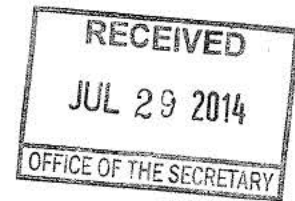


HARD COPY

**UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION**

**ADMINISTRATIVE PROCEEDING
File No. 3-15920**



**In the Matter of

VISION SPECIALIST GROUP, LLC,

Respondent.**

**MEMORANDUM OF LAW IN SUPPORT OF THE DIVISION OF ENFORCEMENT'S
MOTION FOR SANCTIONS BASED ON DEFAULT**

The Division of Enforcement ("Division"), by counsel, pursuant to Rules of Practice 154(a), 155, and 220(f), respectfully submits this memorandum of law in support of its motion for sanctions based on default. As shown below, respondent Vision Specialist Group, LLC ("Vision Specialist") was properly served with the Order Instituting Proceedings ("OIP"), and has failed to file an Answer. In addition, on July 24, 2014, the Court issued an initial decision making findings and imposing sanctions by default against Robert G. Bard, the sole owner and operator of Vision Specialist, whose conduct formed the basis for the OIP against Vision Specialist. See In the Matter of Robert G. Bard, Initial Decision Making Findings and Imposing Sanctions by Default, 2014 WL 3668042, July 24, 2014. As such, the Division asks the Court for an order finding Vision Specialist in default and censuring it.

PROCEDURAL HISTORY

On June 10, 2014, the Commission issued an order instituting public administrative proceedings against respondent Vision Specialist pursuant to Section 203(e) of the Investment

Advisers Act of 1940 (“Advisers Act”).¹ On June 13, 2014, the Commission’s Office of the Secretary served Vision Specialist with the OIP in accordance with 17 C.F.R. § 201.141(a)(2)(ii) and provided proof of service to the Division on June 19, 2014. Pursuant to the OIP, and 17 C.F.R. § 201.220(b), Vision Specialist’s Answer was due within twenty days of service. Thus, the Answer was due before July 3, 2014. Vision Specialist did not meet that deadline.

Robert Bard sent a letter to the Commission dated July 7, 2014, and received July 14, 2014, requesting an attorney be appointed to represent him. The Commission then issued an order on July 16, 2014 denying that request noting that “there is no right to the appointment of counsel for respondents in the Commission’s administrative proceedings, and the Commission does not appoint counsel to represent respondents.” The July 16 order further noted that Bard “was previously warned that if he failed to file an Answer within the time provided, he would be deemed to be in default.” On July 24, 2014, in advance of a scheduled telephonic hearing to take place on the 25th (that was rescheduled), Bard emailed counsel for the Division stating he was “waiting to hear from the Judge per my request to appoint counsel.” See Exh A, July 24 email from Robert Bard to Scott Thompson. In response, the Division staff sent Bard copies of the Court’s July 16 and July 28 orders and again warned him that if he failed to Answer the OIP he would be in default and also that the Court had instructed the Division to file a motion for sanctions by July 28. See Exh. B, July 24 email from Scott Thompson to Robert Bard. Bard responded saying “Thanks for updating me on that. I will get that taken care of.” See Exh. C, July 24 email from Robert Bard to Scott Thompson. However, neither Bard nor Vision Specialist has filed any Answer and Vision Specialist is in default.

¹ That same day, the Commission also issued an order instituting public administrative proceedings against Robert G. Bard, who was the President, managing member, and sole owner of VSG.

FACTUAL ALLEGATIONS

Vision Specialist was organized by Robert G. Bard in Pennsylvania on December 16, 2004. See OIP at 1.² Through at least July 31, 2009, Vision Specialist was an investment adviser registered with the Commonwealth of Pennsylvania and the State of West Virginia. See id. Bard was the firm's President, managing member, and sole owner. See id. At all relevant times, including while he engaged in the conduct underlying the complaint and indictment described below, Bard had sole and complete control of the operations of Vision Specialist. See id. Neither he nor Vision Specialist was registered with the Commission. See id.

Vision Specialist was the subject of a civil action filed by the Division on July 30, 2009 entitled Securities and Exchange Commission v. Robert Glenn Bard, et al., Civil Action Number 1:09-CV-1473, in the United States District Court for the Middle District of Pennsylvania. See Exh. D, SEC v. Bard docket. The Commission alleged that, from at least 2005 to 2009, Bard and Vision Specialist targeted unsophisticated investors with promises of high yields and safety of principal, telling clients that they had invested in safe investments such as bonds, certificates of deposits, and money market funds, and showing, as proof, consistently rising or stable account values. See OIP at 3. The complaint further alleged that, in reality, Bard squandered hundreds of thousands of dollars of client funds by making risky (and losing) investments in penny stocks and other securities, and then fraudulently overstating account values when reporting to his

² All factual allegations are taken from the OIP, and from the docket reports and the court's orders in SEC v. Bard, No. 1:09-CV-1473 (M.D. Pa.) and United States v. Bard, No. 1:12-cr-181 (M.D. Pa.). The Court may take official notice of these docket reports and orders pursuant to 17 C.F.R. § 201.323. See In the Matter of Robert G. Bard, Initial Decision Making Findings and Imposing Sanctions by Default, 2014 WL 3668042, July 24, 2014 at n.2; see also 17 C.F.R. § 201.323 (stating that the Commission may take official notice "of any material fact which might be judicially noticed by a district court of the United States") and Fed. R. Evid. 201(b) (stating that a "judicially noticed fact must be one not subject to reasonable dispute in that it is ... capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned").

clients. See id. The complaint alleged that by masking the improper investments and the dwindling balances of clients' accounts through various misrepresentations, Bard and Vision Specialist maintained client relationships and received advisory fees from the unknowing clients. See id.

On November 10, 2011, the district court entered an order permanently enjoining Bard and Vision Specialist from future violations of Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, and Sections 206(1) and 206(2) of the Advisers Act, and ordering Bard and Vision Specialist jointly and severally liable for disgorgement and prejudgment interest. See id. ¶ 2. On February 2, 2012, the Court ordered that Bard and Vision Specialist were also jointly and severally liable for civil penalties. See id. Vision Specialist and Bard were held jointly and severally liable for a total of \$3,003,039. See Exh. D, SEC v. Bard docket. On May 17, 2012, the Court granted a motion for Final Judgment, incorporating the orders for injunction, disgorgement, and civil penalties. The Final Judgment was entered on May 23, 2012. See id.

Bard was also charged criminally for the scheme he ran through Vision Specialist. On July 18, 2012, a grand jury returned a twenty-one count indictment against Bard based upon the same course of conduct underlying the Commission's action. See id. ¶ 4. He was charged with securities fraud in violation of Title 15 United States Code, Sections 78j(b) and 78ff, Title 17, Code of Federal Regulations, Section 240.10b-5 (count 1), fourteen counts of wire fraud in violation of Title 18 United States Code, Section 1343 (counts II-XV), three counts of mail fraud in violation of Title 18 United States Code, Section 1341 (counts XVI-XVIII), bank fraud in violation of Title 18 United States Code, Section 1344 (count XIX), investment advisor fraud in violation of Title 15 United States Code, Sections 80b-6 and 80b-7 (count XX), and with making false statements in violation of Title 18, United States Code, Section 1001 (count XXI). See id.

The case is captioned United States v. Robert G. Bard, Crim. No. 1:12-cr-00181 (M.D. Pa.). See id.

On August 22, 2013, Bard was convicted of all twenty-one counts of the criminal indictment. See id. ¶ 5. In connection with that conviction, the jury found, among other things, that:

- (a) Between approximately December 2004 until approximately August 2009, Bard, by use of the means and instrumentalities of interstate commerce knowingly and willfully employed manipulative and deceptive devices and contrivances in connection with the purchase and sale of securities by, (i) employing devices, schemes and artifices to defraud, (ii) making untrue statements of material fact, or omitting a material fact that would make other statements not misleading, or (iii) engaging in acts, practices, and courses of business which operated or would operate as a fraud or deceit on any person (count 1 – securities fraud); and
- (b) Between approximately December 2004 until approximately August 2009, Bard, acting as an investment adviser with respect to clients and potential clients of Vision Specialist Group, knowingly and willfully, by the use of the mails and means and instrumentalities of commerce, did: (i) employ devices, schemes and artifices to defraud clients and prospective clients; (ii) engage in transactions, practices, and courses of business which operated as a fraud and deceit upon clients and prospective clients; or (iii) engaged in acts, practices, and courses of business that were fraudulent, deceptive, and manipulative (count XX – investment adviser fraud) See id. ¶ 5.

The counts of the criminal indictment for which Bard was convicted, relate to the same conduct underlying the Commission’s complaint described above. See id. ¶ 6.

ARGUMENT

I. THE ALLEGATIONS SHOULD BE DEEMED TRUE.

Pursuant to Commission Rule of Practice 155(a):

A party to a proceeding may be deemed to be in default and the Commission or the hearing officer may determine the proceeding against that party upon consideration of the record, including the order instituting proceedings, the allegations of which may be deemed to be true, if that party fails: . . . [t]o answer, to respond to a dispositive motion within the time provided, or otherwise to defend the proceeding.

17 C.F.R. § 201.155(a). Moreover, the OIP cautioned that, “If Respondent fails to file the directed answer . . . the Respondent may be deemed in default and the proceedings may be determined against it upon consideration of this Order, the allegations of which may be deemed to be true as provided by Rules 155(a), 220(f), 221(f) and 310 of the Commission’s Rules of Practice.” OIP at 4 (citing 17 C.F.R. §§ 201.155(a), 201.220(f), 201.221(f) and 201.310). Thus, because Vision Specialist has not filed an Answer and is in default, the Court should deem the OIP’s allegations (set forth above) to be true and determine the proceedings against Vision Specialist.

II. SANCTIONS SHOULD BE IMPOSED AGAINST VISION SPECIALIST.

As Vision Specialist is in default, and because the allegations of the OIP make clear that Vision Specialist has been enjoined from future violations of the antifraud provisions of the federal securities law by the United States District Court for the Middle District of Pennsylvania for its egregious securities fraud, the Court should impose sanctions. See, e.g., In re Rapoport, Commission Order Denying Motion to Set Aside Default Order, Exchange Act Rel. No. 63744, 2011 WL 194504, at *6 (Jan. 20, 2011) (“It was not unjust for the law judge to issue the Default Order, which did not go beyond the allegations in the OIP, or to impose sanctions accordingly, when [Respondent] failed to file a timely answer to the OIP.”). Among other things, Section 203(e) of the Advisers Act allows for the censure of investment advisers.³ Here, such a sanction is warranted.

³ Section 203(e) also allows for other sanctions, such as a suspension or revocation of registration, but because Vision Specialist was never registered with the Commission (only with various states) such a sanction is not possible.

In determining sanctions to be imposed, the Commission considers various factors such as:

The egregiousness of the defendant's actions, the isolated or recurrent nature of the infraction, the degree of scienter involved, the sincerity of the defendant's assurances against future violations, the defendant's recognition of the wrongful nature of his conduct, and the likelihood that the defendant's occupation will present opportunities for future violations.

Steadman v. SEC, 603 F.2d 1126, 1140 (5th Cir. 1979) (quoting SEC v. Blatt, 583 F.2d 1325, 1334 n.29 (5th Cir. 1978)). The Commission may also consider the degree of harm to investors resulting from the violation. See Marshall E. Melton, 56 S.E.C. 695, 698 (2003). Additionally, the Commission considers the extent to which the sanction will have a deterrent effect. See Schield Mgmt. Co., 87 SEC Docket 848, 862 & n.46 (Jan. 31, 2006). Here, all of these factors support a strong sanction.

First, the conduct at issue was egregious. Investment advisers and their associated persons are fiduciaries. See Fundamental Portfolio Advisors, Inc., 56 S.E.C. 651, 684 (2003); SEC v. Capital Gains Research Bureau, Inc., 375 U.S. 180, 191-92, 194, 201 (1963). This means they have an affirmative duty of utmost good faith and full and fair disclosure to their clients. Vision Specialist breached each of these duties in numerous ways. As the allegations of the OIP make clear, Bard and Vision Specialist made false and misleading statements to unsophisticated clients about the most basic attributes of the advisory relationship – the nature and character of the clients' investments and the value of their holdings. See OIP at 2. Bard and Vision Specialist promised high yields and safety of principal, and told clients that they had invested client funds in bonds, certificates of deposits, and money market funds – when in reality Bard and Vision Specialist had squandered hundreds of thousands of dollars of client funds on risky (and losing) investments in penny stocks and other securities. See id. Then, in an attempt to

hide this fraud so that they could continue to receive advisory fees, Bard and Vision Specialist fraudulently overstated the account values to the unsuspecting clients. See id.

Vision Specialist engaged in repeated misconduct and caused significant harm, and that further supports a censure. This was not an isolated incident of fraud. Vision Specialist engaged in the above described fraud for a period of at least 4 years and it included multiple clients. See OIP at 2. Indeed, the OIP makes clear that in the related criminal matter involving Bard's conduct perpetrated through Vision Specialist, he was charged and convicted of multiple counts of securities fraud, wire fraud, bank fraud, investment advisory fraud. See id. at 2-3. Also, as described in the OIP, the misrepresentations in this matter were to unsophisticated investors and resulted in losses of hundreds of thousands of dollars. See OIP at 2.

Next, there is also no indication that Vision Specialist or Bard have taken any steps to recognize the wrongfulness of their misconduct or to make any effort to provide assurances that they would not engage in such egregious fraud in the future. The Commission filed its injunctive action against Bard in federal district court on July 30, 2009. Bard did not consent to a judgment against him or concede the wrongfulness of his misconduct. Instead, after litigation and a contested motion for summary judgment, the district court entered orders enjoining Vision Specialist from future violations of the antifraud provisions in November 2011, and a final judgment was entered against it in May of 2012. See OIP at 2; Exh. D, SEC v. Bard docket. Bard was then indicted in July of 2012, and he similarly has not accepted responsibility. As the OIP and criminal docket makes clear, he litigated that case to a jury, which ultimately found him guilty for the conduct he engaged in through Vision Specialist. See OIP at 2-3; Exh. E, United States v. Bard docket.

As noted above, Vision Specialist has been enjoined from future violations of the antifraud provisions of the securities laws, and has been ordered to pay more than \$3 million

jointly and severally with Robert Bard as a result of its misconduct. In addition to these sanctions imposed by the district court, in light of these undisputed and undisputable facts described above, Vision Specialist should also be censured. Doing so would serve a deterrent effect on Vision Specialist, as well as on other entities and individuals who consider engaging in such fraud in the future. See In re KPMG Peat Marwick LLP, 2001 WL 223378, at *7 (finding “absent evidence to the contrary, a finding of past violation raises a sufficient risk of future violation”). As recognized in the initial decision imposing sanctions against Robert Bard, the Commission has an “obligation to ensure honest securities markets.” In the Matter of Robert G. Bard, Initial Decision Making Findings and Imposing Sanctions by Default, 2014 WL 3668042, July 24, 2014. Where, as here, an investment adviser breaches its fiduciary duty to defraud its own trusting clients repeatedly over a period of several years, it is important to send a message to the offending party, the securities industry, and the market as a whole, that such conduct will not be tolerated.

CONCLUSION

For the reasons set forth above, the Division’s motion should be granted and Vision Specialist should be censured.

Dated: July 28, 2014

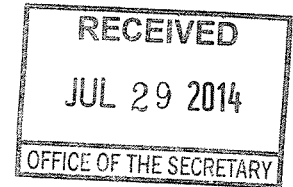
Respectfully submitted,



Scott A. Thompson (215) 597-2553
Securities and Exchange Commission
1617 JFK Blvd., Suite 520
Philadelphia, PA 19103

COUNSEL FOR
DIVISION OF ENFORCEMENT

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION



ADMINISTRATIVE PROCEEDING

File No. 3-15920

In the Matter of

VISION SPECIALIST GROUP, LLC.,

Respondent.

MEMORANDUM OF LAW IN SUPPORT OF THE DIVISION OF ENFORCEMENT'S
MOTION FOR SANCTIONS BASED ON DEFAULT

Exhibit A

Thompson, Scott A.

From: [REDACTED]
Sent: Thursday, July 24, 2014 2:33 PM
To: Thompson, Scott A.
Subject: Call

Mr. Thompson;

I am waiting to hear from the Judge per my request to appoint counsel thus the call tomorrow may need to be rescheduled as I await counsel.

I have full intention on being a part of the hearing that has yet to be scheduled. Unfortunately, I am getting a pushback from my criminal attorney as I requested her to ask for a continuance to my sentencing hearing so we can bring this inquiry to a close. My sentencing hearing is July 31st. I have asked my attorney to request a 60 day continuance as this SEC matter is truly part of the criminal proceeding. She has not agreed to ask for the continuance. Continuance would not prejudice anyone as it would be important to establish material fact. I would expect a 60 day continuance would allow this to be completed. I plan to proceed pro se if I am not appoint an attorney

Please advise;

Robert Bard

UNITED STATES OF AMERICA

Before the

SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-15920

In the Matter of

VISION SPECIALIST GROUP, LLC.,

Respondent.

**MEMORANDUM OF LAW IN SUPPORT OF THE DIVISION OF ENFORCEMENT'S
MOTION FOR SANCTIONS BASED ON DEFAULT**

Exhibit B

request a 60 day continuance as this SEC matter is truly part of the criminal proceeding. She has not agreed to ask for the continuance. Continuance would not prejudice anyone as it would be important to establish material fact. I would expect a 60 day continuance would allow this to be completed. I plan to proceed pro se if I am not appoint an attorney

Please advise;

Robert Bard

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1648/July 23, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15920

In the Matter of

VISION SPECIALIST GROUP, LLC

:
:
: POSTPONEMENT ORDER

The Securities and Exchange Commission instituted this proceeding with an Order Instituting Proceedings (OIP) on June 10, 2014, pursuant to Section 203(e) of the Investment Advisers Act of 1940 (Advisers Act), and the hearing was scheduled to commence on July 14, 2014. The proceeding is a follow-on proceeding based on SEC v. Bard, No. 1:09-cv-1473 (M.D. Pa. Nov. 10, 2011), in which Respondent Vision Specialist Group, LLC (Vision Specialist), was enjoined against violations of the antifraud provisions of the federal securities laws.

Vision Specialist was served with the OIP in accordance with 17 C.F.R. § 201.141(a)(2)(ii) on June 13, 2014. Its Answer was due within twenty days of service on it. See OIP at 4; 17 C.F.R. § 201.220(b). To date, it has failed to file an Answer. Accordingly, it is in default, and the undersigned will enter an order imposing sanctions, including a censure, as authorized by Advisers Act Section 203(e). See OIP at 4; 17 C.F.R. §§ 201.155(a), .220(f).¹ Consistent with 17 C.F.R. § 201.161, the prehearing conference scheduled for July 25, 2014, will be postponed and held by telephone on October 24, 2014, at 1:30 p.m. EDT if the proceeding has not been resolved by then.

IT IS SO ORDERED.

/s/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge

¹ The Division of Enforcement may file a motion, by July 28, 2014, specifying the sanctions that it seeks.

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1616/July 16, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15921

In the Matter of

ROBERT G. BARD

:
:
ORDER

The Securities and Exchange Commission (Commission) instituted this proceeding with an Order Instituting Proceedings (OIP) on June 10, 2014, pursuant to Section 203(f) of the Investment Advisers Act of 1940. The proceeding is a follow-on proceeding based on SEC v. Bard, No. 1:09-cv-1473 (M.D. Pa. Nov. 10, 2011), in which Respondent Robert G. Bard (Bard), was enjoined against violations of the antifraud provisions of the federal securities laws.

By letter dated July 7, 2014, and received July 14, 2014, Bard requested that an attorney be appointed to represent him as he is unable to afford counsel. However, there is no right to the appointment of counsel for respondents in the Commission's administrative proceedings, and the Commission does not appoint counsel to represent respondents. Boruski v. SEC, 340 F.2d 991, 992 (2d Cir. 1965), cert. denied, 381 U.S. 943 (1965); Sieraga & Company, 45 S.E.C. 17, 18 (1971); Norman Pollisky, 43 S.E.C. 852, 862 (1968). Accordingly, Bard's request must be denied.¹

IT IS SO ORDERED.

/s/ Carol Fox Foelak
Carol Fox Foelak
Administrative Law Judge

¹ Bard was served with the OIP in accordance with 17 C.F.R. § 201.141(a)(2)(i) on June 13, 2014, and his Answer was due within twenty days of service on him. See OIP at 4; 17 C.F.R. § 201.220(b). He was previously warned that if he failed to file an Answer within the time provided, he would be deemed to be in default, and the undersigned would enter an order barring him from the securities industry. Robert G. Bard, Admin. Proc. Rulings Release No. 1585, 2014 SEC LEXIS 2369 (A.L.J. July 2, 2014); see OIP at 4; 17 C.F.R. §§ 201.155(a), .220(f).

UNITED STATES OF AMERICA

Before the

SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-15920

In the Matter of

VISION SPECIALIST GROUP, LLC.,

Respondent.

**MEMORANDUM OF LAW IN SUPPORT OF THE DIVISION OF ENFORCEMENT'S
MOTION FOR SANCTIONS BASED ON DEFAULT**

Exhibit C

Thompson, Scott A.

From: Robert [REDACTED]
Sent: Thursday, July 24, 2014 4:52 PM
To: Thompson, Scott A.
Subject: RE: Call

Mr. Thompson. Thanks for updating me on that. I will get that taken care of.

Robert
Sent from my Kyocera Hydro

"Thompson, Scott A." <ThompsonS@sec.gov> wrote:

Mr. Bard,

The Administrative Law Judge has issued orders relating to certain of the matters raised in your email (including one yesterday that you may not have received yet). I have attached those orders to this email. As you will see in the order of July 16, the Court has denied your request for counsel and has also noted that you had previously warned you that if you failed to file an Answer within the time provided, you would be deemed to be in default. The July 23 order postponing the conference also notes that Vision Specialist is in default and that the Division of Enforcement may file a motion by Monday, July 28, 2014 specifying the sanctions that we seek. We intend to do so.

I will send this email to you (and the attachments) by overnight mail as well.

Scott A. Thompson

Assistant Regional Director

United States Securities and Exchange Commission

Philadelphia Regional Office

701 Market Street, Suite 2000

Philadelphia, PA 19106

Tel: (215) 597-2553

Fax: (215) 597-2740

e-mail: ThompsonS@sec.gov

From: [REDACTED]
Sent: Thursday, July 24, 2014 2:33 PM
To: Thompson, Scott A.
Subject: Call

Mr. Thompson;

I am waiting to hear from the Judge per my request to appoint counsel thus the call tomorrow may need to be rescheduled as I await counsel.

I have full intention on being a part of the hearing that has yet to be scheduled. Unfortunately, I am getting a pushback from my criminal attorney as I requested her to ask for a continuance to my sentencing hearing so we can bring this inquiry to a close. My sentencing hearing is July 31st. I have asked my attorney to request a 60 day continuance as this SEC matter is truly part of the criminal proceeding. She has not agreed to ask for the continuance. Continuance would not prejudice anyone as it would be important to establish material fact. I would expect a 60 day continuance would allow this to be completed. I plan to proceed pro se if I am not appoint an attorney

Please advise;

Robert Bard

UNITED STATES OF AMERICA

Before the

SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-15920

In the Matter of

VISION SPECIALIST GROUP, LLC.,

Respondent.

**MEMORANDUM OF LAW IN SUPPORT OF THE DIVISION OF ENFORCEMENT'S
MOTION FOR SANCTIONS BASED ON DEFAULT**

Exhibit D

US District Court Civil Docket

**U.S. District - Pennsylvania Middle
(Harrisburg)**

1:09cv1473

Securities And Exchange Commission v. Bard et al

This case was retrieved from the court on Monday, July 28, 2014

Date Filed: 07/30/2009

**Assigned To: Honorable William W.
Caldwell**

Referred To:

**Nature of
suit: Securities (850)**

Cause: Securities Fraud

Lead Docket: None

Other Docket: None

Jurisdiction: U.S. Government Plaintiff

Class Code: CLOSED

Closed: 05/23/2012

Statute: 15:77

Jury Demand: None

Demand Amount: \$0

NOS Description: Securities

Litigants

Securities And Exchange Commission
Plaintiff

Attorneys

G. Jeffrey Boujoukos
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
US Securities and Exchange Commission
Philadelphia Regional Office
One Penn Center
1617 Jfk Blvd., Ste 520
Philadelphia , PA 19103
USA
215-597-3100
Fax: 215-597-2740
Email: Boujoukosj@sec.Gov

Michael J. Rinaldi
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
US Securities and Exchange Commission
Philadelphia Regional Office
One Penn Center
1617 Jfk Blvd., Ste. 520
Philadelphia , PA 19103
USA
215.597.3100
Email: Rinaldim@sec.Gov

Scott A. Thompson
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
U.S. Securities and Exchange Commission
Philadelphia Regional Office
One Penn Center
1617 Jfk Blvd., Ste. 520

Robert Glenn Bard
Defendant

Philadelphia , PA 19103
USA
215-597-3100
Email:Thompsons@sec.Gov

Amy B. Carver
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
[Term: 12/07/2010]
Welsh & Recker, P.C.
Suite 2903 2000 Market Street
Philadelphia , PA 19103
USA
215-972-6430
Email:Abcarver@welshrecker.Com

Catherine M. Recker
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
[Term: 12/07/2010]
Welsh & Recker, P.C.
2000 Market Street Suite 2903
Philadelphia , PA 19103
USA
215-972-6430
Fax: 215-972-6436
Email:Cmrecker@welshrecker.Com

Robert E. Welsh , JR.
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
[Term: 12/07/2010]
Welsh & Recker, P.C.
2000 Market St. Suite 2903
Philadelphia , PA 19103
USA
215-972-6430
Fax: 215-972-6436
Email:Rewelsh@welshrecker.Com

Dennis E. Boyle
ATTORNEY TO BE NOTICED
Boyle Litigation
4660 Trindle Road Suite 102
Camp Hill , PA 17011
USA
717-737-2430
Email:Deboyle@boylelitigation.Com

Megan E. Schanbacher
ATTORNEY TO BE NOTICED
Boyle Litigation
4660 Trindle Road Suite 200
Camp Hill , PA 17011
USA
717-737-2430
Fax: 717-737-2452
Email:Mschanbacher@boylelitigation.Com

Vision Specialist Group, Llc
Defendant

Catherine M. Recker
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
[Term: 12/07/2010]

Welsh & Recker, P.C.
2000 Market Street Suite 2903
Philadelphia , PA 19103
USA
215-972-6430
Fax: 215-972-6436
Email: Cmrecker@welshrecker.Com

Amy B. Carver
ATTORNEY TO BE NOTICED
[Term: 12/07/2010]
Welsh & Recker, P.C.
Suite 2903 2000 Market Street
Philadelphia , PA 19103
USA
215-972-6430
Email: Abcarver@welshrecker.Com

Dennis E. Boyle
ATTORNEY TO BE NOTICED
Boyle Litigation
4660 Trindle Road Suite 102
Camp Hill , PA 17011
USA
717-737-2430
Email: Deboyle@boylelitigation.Com

Megan E. Schanbacher
ATTORNEY TO BE NOTICED
Boyle Litigation
4660 Trindle Road Suite 200
Camp Hill , PA 17011
USA
717-737-2430
Fax: 717-737-2452
Email: Mschanbacher@boylelitigation.Com

Robert E. Welsh , JR.
ATTORNEY TO BE NOTICED
[Term: 12/07/2010]
Welsh & Recker, P.C.
2000 Market St. Suite 2903
Philadelphia , PA 19103
USA
215-972-6430
Fax: 215-972-6436
Email: Rewelsh@welshrecker.Com

Date	#	Proceeding Text	Source
07/30/2009	1	COMPLAINT against Robert Glenn Bard, Vision Specialist Group, LLC, filed by Securities and Exchange Commission. (Attachments: # 1 Civil Cover Sheet)(aaa) (Entered: 07/30/2009)	
07/30/2009		Summons Issued as to Robert Glenn Bard, Vision Specialist Group, LLC and provided to Attorney for service on Defendant(s). (aaa) (Entered: 07/30/2009)	
07/30/2009	2	DECLARATION of Scott A. Thompson by Securities and Exchange Commission. (aaa) (Entered: 07/30/2009)	

- 07/30/2009 3 PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by G. Jeffrey Boujoukos, Scott A. Thompson on behalf of Securities and Exchange Commission Attorney Scott A. Thompson is seeking special admission. (aaa) (Entered: 07/30/2009)
- 07/30/2009 4 MOTION to Exceed Page Limitation by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(aaa) (Entered: 07/30/2009)
- 07/30/2009 5 BRIEF IN SUPPORT re 4 MOTION to Exceed Page Limitation filed by Securities and Exchange Commission.(aaa) (Entered: 07/30/2009)
- 07/30/2009 10 DOCUMENT SEALED. (aaa) (Entered: 07/30/2009)
- 07/30/2009 11 EXHIBIT A by Securities and Exchange Commission. (aaa,) (Entered: 07/30/2009)
- 07/30/2009 12 DOCUMENT SEALED. (Attachments: # 1 Exhibit(s), # 2 Exhibit(s), # 3 Exhibit(s), # 4 Exhibit(s), # 5 Exhibit(s), # 6 Exhibit(s), # 7 Exhibit(s), # 8 Exhibit(s), # 9 Exhibit(s)) (aaa) (Additional attachment(s) added on 7/30/2009: # 10 Exhibit(s)) (aaa,). (Entered: 07/30/2009)
- 07/30/2009 13 DOCUMENT SEALED pursuant to Court Order. (aaa) (Entered: 07/30/2009)
- 07/30/2009 14 DOCUMENT SEALED pursuant to Court Order. (aaa) (Entered: 07/30/2009)
- 07/30/2009 15 ORDER - AND NOW, this 30th day of July, 2009, upon con. of the 4 Motion for Leave to File in Excess of 15 Pages, IT IS HEREBY ORDERED that the mtn. is GRANTED & plf. Securities & Exchange Commission may file a 35 pg. br. in sup. of its mtn. for TRO. Signed by Honorable William W. Caldwell on 7/30/09. (am) (Entered: 07/30/2009)
- 07/30/2009 16 DOCUMENT SEALED pursuant to Court Order (am) (Entered: 07/30/2009)
- 07/30/2009 17 DOCUMENT SEALED pursuant to Court Order (am,) (Entered: 07/30/2009)
- 07/30/2009 18 SPECIAL ADMISSIONS FORM APPROVED - as to Atty. Scott A. Thompson o/b/o plf. Signed by Honorable William W. Caldwell on 7/30/09. (am,) (Entered: 07/30/2009)
- 07/31/2009 SPECIAL ADMISSION FORM & ECF REGISTRATION FORM sent to Atty. G. Jeffrey Boujoukos. (am) (Entered: 07/31/2009)
- 07/31/2009 Set/Reset Hearings: TRO Hearing set for 8/4/2009 11:00 AM in Harrisburg - Courtroom 3 before Honorable William W. Caldwell. (am,) (Entered: 07/31/2009)
- 08/04/2009 SPECIAL ADMISSION FORM & ECF REGISTRATION FORM SENT to Attorney Robert E. Welsh, Jr. (am,) (Entered: 08/04/2009)
- 08/04/2009 SPECIAL ADMISSION FORM & ECF REGISTRATION FORM SENT to Attorney Amy B. Carver. (am,) (Entered: 08/04/2009)
- 08/05/2009 21 ORDER EXTENDING TEMPORARY RESTRAINING ORDER - IT IS HEREBY ORDERED, pur. to a stip. by the parties @ a hrg. conducted on 8/4/09 that the TRO Order 17 entered by this crt. on 7/30/09, shall be ext'd & remain in effect until 5 p.m. on the 13th day of August, 2009. IT IS FURTHER ORDERED that defts. shall show cause, if there be any, to this crt. @ 11 a.m., 8/13/09 in Ctrrm. #1, Hbg., PA which this crt. should enter an Order preliminary enjoining them from committing further violations...pur. to the TRO. (See order for complete details.) Signed by Honorable William W. Caldwell on 8/5/09. (am) (Entered: 08/05/2009)
- 08/10/2009 22 CONSENT OF DEFENDANT ROBERT GLENN BARD TO AN ORDER OF PRELIMINARY INJUNCTION, ORDER FREEZING ASSETS AND GRANTING OTHER RELIEF by Securities and Exchange Commission.. (Thompson, Scott) (Entered: 08/10/2009)

- 08/10/2009 23 CONSENT OF DEFENDANT VISION SPECIALIST GROUP, LLC TO AN ORDER OF PRELIMINARY INJUNCTION, ORDER FREEZING ASSETS, AND GRANTING OTHER RELIEF by Securities and Exchange Commission.. (Thompson, Scott) (Entered: 08/10/2009)
- 08/10/2009 24 PROPOSED ORDER BY CONSENT OF PRELIMINARY INJUNCTION, ORDER FREEZING ASSETS AND GRANTING OTHER RELIEF by Securities and Exchange Commission.. (Attachments: # 1 Certificate of Service) (Thompson, Scott) (Entered: 08/10/2009)
- 08/11/2009 25 PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Robert E. Welsh, JR on behalf of Robert Glenn Bard, Vision Specialist Group, LLC Attorney Robert Welsh is seeking special admission. Filing fee \$ 25, receipt number 0314000000001645402.. (Welsh, Robert) (Entered: 08/11/2009)
- 08/11/2009 26 ORDER BY CONSENT OF PRELIMINARY INJUNCTION, ORDER FREEZING ASSETS AND GRANTING OTHER RELIEF - IT IS HEREBY ORDERED that the mtn. is GRANTED. 22 23 (See order for complete details.) Signed by Honorable William W. Caldwell on 8/11/09. (am) (Entered: 08/11/2009)
- 08/12/2009 27 PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Amy B. Carver on behalf of Robert Glenn Bard, Vision Specialist Group, LLC Attorney Amy Carver is seeking special admission. Filing fee \$ 25, receipt number 0314000000001646525.. (Carver, Amy) (Entered: 08/12/2009)
- 08/12/2009 DOCKET ANNOTATION: PA State Bar Record verified for Amy B. Carver, Robert E. Welsh, Jr. and Catherine M. Recker. (jc) (Entered: 08/12/2009)
- 08/14/2009 DOCKET ANNOTATION: Upon review of Atty. Carver's & Atty. Welsh's Petition for Special Admission, both petitions have not been signed. Please refile page 3 only by using the event "document filed." We will replace pg. 3 upon receipt & submit for the crt.'s signature. (am) (Entered: 08/14/2009)
- 08/14/2009 28 page 3 to petition for special admission by Robert Glenn Bard, Vision Specialist Group, LLC. 27 Petition for Special Admission - Pro Hac Vice. (Carver, Amy) (Entered: 08/14/2009)
- 08/14/2009 29 page 3 to petition for special admission by Robert Glenn Bard, Vision Specialist Group, LLC. 25 Petition for Special Admission - Pro Hac Vice,. (Welsh, Robert) (Entered: 08/14/2009)
- 08/19/2009 DOCKET ANNOTATION: PA State Bar Record verified for Scott A. Thompson. (am,) (Entered: 08/19/2009)
- 08/19/2009 DOCKET ANNOTATION: PA State Bar Record verified for Robert E. Welsh, Jr. (am,) (Entered: 08/19/2009)
- 08/19/2009 DOCKET ANNOTATION: PA State Bar Record verified for Amy B. Carver. (am,) (Entered: 08/19/2009)
- 08/20/2009 30 SPECIAL ADMISSIONS FORM APPROVED - as to Atty. Amy B. Carver o/b/o defts. Bard & Vision Specialist Group. Signed by Honorable William W. Caldwell on 8/20/09. (am) (Entered: 08/20/2009)
- 08/20/2009 31 SPECIAL ADMISSIONS FORM APPROVED - as to Atty. Robert E. Welsh, Jr. o/b/o defts. Bard & Vision Specialist Group. Signed by Honorable William W. Caldwell on 8/20/09. (am) (Entered: 08/20/2009)
- 09/03/2009 32 SCHEDULING ORDER: Case Management Conference set for 10/1/2009 @ 10:00 AM in chambers, 9th Flr., Harrisburg before Honorable William W. Caldwell. Joint Case Mgmt. Plan must be filed @ least 5 days prior to the conf. (See order for more details.) Signed by Honorable William W. Caldwell on 9/3/09. (am) (Entered: 09/03/2009)
- 09/24/2009 33 MOTION to Reschedule the Case Management Conference, filed by Securities and Exchange Commission.(Thompson, Scott) (Entered: 09/24/2009)

- 09/24/2009 34 CERTIFICATE of Counsel re 33 MOTION to Reschedule the Case Management Conference by Scott A. Thompson on behalf of Securities and Exchange Commission (Thompson, Scott) (Entered: 09/24/2009)
- 09/25/2009 35 ORDER - granting 33 mtn. to reschedule the CMC. The CMC in this case is cont'd to Thur., 11/12/09 @ 10 a.m. Signed by Honorable William W. Caldwell on 9/25/09. (am) (Entered: 09/25/2009)
- 09/28/2009 DOCKET ANNOTATION: PA State Bar Record verified for Amy B. Carver & Robert E. Welsh, Jr. (am,) (Entered: 09/28/2009)
- 11/05/2009 36 CASE MANAGEMENT PLAN Joint Case Management Plan by Securities and Exchange Commission. (Thompson, Scott) (Entered: 11/05/2009)
- 11/12/2009 37 ORDER - CASE PLACED ON COMPLEX CASE MANAGEMENT TRACK. Amended Pleadings due by 3/1/2010. Discovery due by 7/16/2010. Plaintiff Expert Report is due by 8/6/2010. Defendant Expert Report is due by 8/27/2010. Supplements, if any, due 9/10/2010. P.T. Motions due by 11/1/2010. Joinder of parties due 3/1/2010. This case is placed on the Jan. 2011 trial list, sched. order to follow. (See order for complete details.) Signed by Honorable William W. Caldwell on 11/12/09. (am,) (Entered: 11/12/2009)
- 01/11/2010 39 Unopposed MOTION for Leave to Engage in Lawful Income-Earning Activities and to Use Such Funds to Pay Personal and Family Living Expenses by Robert Glenn Bard. (Attachments: # 1 Exhibit(s) Exhibit A) (Carver, Amy) (Entered: 01/11/2010)
- 01/11/2010 DOCKET ANNOTATION: COUNSEL is advised that the Memorandum in Support contained in Document 39 filed 1/11/09 is to be REDOCKETED using the event BRIEF IN SUPPORT located under RESPONSES/REPLIES (BRIEFS). (jc) (Entered: 01/11/2010)
- 01/12/2010 40 BRIEF IN SUPPORT re 39 Unopposed MOTION for Leave to Engage in Lawful Income-Earning Activities and to Use Such Funds to Pay Personal and Family Living Expenses filed by Robert Glenn Bard.(Carver, Amy) (Entered: 01/12/2010)
- 01/12/2010 41 ORDER - AND NOW, this 12th day of Jan., 2010, upon con. of the unopp. mtn. of deft. Robert Glenn Bard for leave to engage in lawful income-earning activities & to use such funds to pay personal & family living expenses not to exceed \$4,000 in any month w/out further disclosure to the SEC & approval of the crt., it is hereby ORDERED that such mtn. is GRANTED...(See order for complete details.) 39 Signed by Honorable William W. Caldwell on 1/12/10 (am,) (Entered: 01/12/2010)
- 02/18/2010 42 PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) filed by G. Jeffrey Boujoukos on behalf of Securities and Exchange Commission Attorney G. Jeffrey Boujoukos is seeking special admission. (pjr) (Entered: 02/18/2010)
- 02/18/2010 43 SPECIAL ADMISSIONS FORM APPROVED as to G. Jeffrey Boujoukos o/b/o plf. U.S. Securities & Exchange Commission. Signed by Honorable William W. Caldwell on 2/18/10. (am,) (Entered: 02/18/2010)
- 02/18/2010 DOCKET ANNOTATION: PA Bar verified as to Atty. G. Jeffrey Boujoukos. (am,) (Entered: 02/18/2010)
- 06/30/2010 44 MOTION to Stay Discovery and Other Deadlines of the November 12, 2009 Case Management Order by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(Thompson, Scott) (Entered: 06/30/2010)
- 06/30/2010 45 CERTIFICATE of Counsel re 44 MOTION to Stay Discovery and Other Deadlines of the November 12, 2009 Case Management Order by Scott A. Thompson on behalf of Securities and Exchange Commission (Thompson, Scott) (Entered: 06/30/2010)

- 07/01/2010 46 ORDER - AND NOW, this 1st day of July, 2010, IT IS ORDERED THAT: All ddls. of the 11/12/09 CMC Order are hereby stayed until further notice. The parties shall file a status update w/the crt. no later than 8/31/10 to update the crt. regarding a potential resolution of this matter. 44 Signed by Honorable William W. Caldwell on 7/1/10.(am) (Entered: 07/01/2010)
- 10/08/2010 50 SCHEDULING ORDER: Pretrial Conference set for 1/6/2011 @ 10:00 AM before Honorable William W. Caldwell, 9th Flr., Fed. Bldg., Hbg., PA. Trial set for 1/10/2011 trial term in Harrisburg - Courtroom 1 before Honorable William W. Caldwell. P.T. memo shall be submitted 2 days prior to the ptc. Trial briefs shall be submitted prior to trial. Mins. in limine, if any, shall be filed @ least 10 days prior to J/Sel. Req. for voir dire shall be submitted @ least 3 days prio to J/Sel. (See order for complete details.) Signed by Honorable William W. Caldwell on 10/8/10. (am) (Entered: 10/08/2010)
- 11/05/2010 51 PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) filed by Securities and Exchange Commission. Attorney Michael J. Rinaldi is seeking special admission. (pjr) (Entered: 11/05/2010)
- 11/09/2010 52 MOTION to Lift Stay of Discovery and Other Deadlines and to Modify the Case Management Order by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(Thompson, Scott) (Entered: 11/09/2010)
- 11/09/2010 53 CERTIFICATE of Counsel re 52 MOTION to Lift Stay of Discovery and Other Deadlines and to Modify the Case Management Order by Scott A. Thompson on behalf of Securities and Exchange Commission (Thompson, Scott) (Entered: 11/09/2010)
- 11/10/2010 54 AMENDED CASE MANAGEMENT ORDER: All deadlines ordered in the Court's July 1, 2010 Order is hereby lifted. Discovery due by 1/21/2011. Plaintiff Expert Report is due by 2/11/2011. Defendant Expert Report is due by 3/4/2011. Motions due by 4/29/2011.Signed by Honorable William W. Caldwell on 11/10/10. This case shall be placed on the July 2011 trial list of this court.(pw,) (Entered: 11/10/2010)
- 12/01/2010 55 NOTICE of Appearance by Dennis E. Boyle on behalf of All Defendants. (Boyle, Dennis) (Entered: 12/01/2010)
- 12/01/2010 56 NOTICE of Appearance by Megan E. Schanbacher on behalf of All Defendants. (Schanbacher, Megan) (Entered: 12/01/2010)
- 12/06/2010 57 MOTION to Withdraw as Attorney of Record by Welsh & Recker, P.C. by Robert Glenn Bard, Vision Specialist Group, LLC.(Carver, Amy) (Entered: 12/06/2010)
- 12/06/2010 DOCKET ANNOTATION: COUNSEL is advised that Document 57 filed 12/6/10 does not contain a proposed order and a certificate of concurrence or nonconcurrence. Please use the event CERTIFICATE located under OTHER DOCUMENTS and attach a proposed order to the certificate to comply with LR 7.1. (jc) (Entered: 12/06/2010)
- 12/06/2010 58 ORDER - AND NOW, this 6th day of Dec., 2010, it is hereby ORDERED that the mtn. of the Law Firm of Welsh & Recker, P.C. to w/draw as counsel of record is hereby GRANTED. 57 Signed by Honorable William W. Caldwell on 12/6/10 (am) (Entered: 12/06/2010)
- 12/28/2010 59 SPECIAL ADMISSIONS FORM APPROVED as to Michael J. Rinaldi o/b/o U.S. Securities & Exchange Commission. Signed by Honorable William W. Caldwell on 12/28/10. (am) (Entered: 12/28/2010)
- 01/12/2011 60 Unopposed MOTION for Extension of Time to Complete Discovery Uncontested Motion of Plaintiff Securities and Exchange Commission to Amend the Modified Case Management Order to Extend the Deadline for Fact Discovery to February 4, 2011 by Securities and Exchange Commission.(Rinaldi, Michael) (Entered: 01/12/2011)
- 01/14/2011 61 SCHEDULING ORDER: AND NOW, this 14th day of Jan., 2011, it is

- ORDERED that the case mgmt. order 54 dtd. 11/10/10, is amended to provide that fact discovery shall be completed by 2/4/2011. It is further ordered that the other ddls. & provisions the CM Order shall remain in full force & effect. Signed by Honorable William W. Caldwell on 1/14/11. (am) (Entered: 01/14/2011)
- 02/03/2011 62 Unopposed MOTION for Extension of Time to Uncontested Motion of Plaintiff Securities and Exchange Commission to Amend the Modified Case Management Order by Securities and Exchange Commission.(Rinaldi, Michael) (Entered: 02/03/2011)
- 02/08/2011 63 SCHEDULING ORDER: AND NOW, this 8th day of Feb., 2011, it is ORDERED that the uncontested mtn. of plf. to amd. the modified Case Mgmt. order 62 is GRANTED. Fact Discovery due by 3/18/2011. Plf.'s expert report (if any) due 3/25/11; defts' report (if any) are due 4/15/11. Suppl. due 4/29/11. Depos. of and experts concluded 5/12/11. All P.T. Motions due by 6/10/2011, accompanied by a sup. br. This case is placed on the Aug. 2011 trial list, sched. order to follow. All other ddls. & provisions of the Case Mgmt. Order remain the same. (See order for complete details.) Signed by Honorable William W. Caldwell on 2/8/11. (am) (Entered: 02/08/2011)
- 03/18/2011 64 Unopposed MOTION to Exceed Page Limitation Uncontested Motion of Plaintiff Securities and Exchange Commission for Leave to File a Brief in Excess of Fifteen Pages by Securities and Exchange Commission.(Rinaldi, Michael) (Entered: 03/18/2011)
- 03/18/2011 65 MOTION for Contempt Plaintiff Securities and Exchange Commission's Emergency Motion to Hold Defendant Robert Glenn Bard in Contempt by Securities and Exchange Commission. (Attachments: # 1 Certificate of Nonconcurrence, # 2 Proposed Order)(Rinaldi, Michael) (Entered: 03/18/2011)
- 03/18/2011 66 BRIEF IN SUPPORT Plaintiff Securities and Exchange Commission's Memorandum in Support of Its Emergency Motion to Hold Defendant Robert Glenn Bard in Contempt re 65 MOTION for Contempt Plaintiff Securities and Exchange Commission's Emergency Motion to Hold Defendant Robert Glenn Bard in Contempt filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit(s) S, # 2 Exhibit(s) T, # 3 Exhibit(s) U, # 4 Exhibit(s) V, # 5 Exhibit(s) W)(Rinaldi, Michael) (Entered: 03/18/2011)
- 03/21/2011 67 ORDER - AND NOW, this 21st day of March, 2011, upon con. of plf.'s uncontested mtn. 64 to file a br. in excess of 15 pgs., it is ordered that the mtn. is granted. Plf. shall file a br. in sup. of its emergency mtn. to hold deft. Robert Glenn Bard in contempt not to exceed 30 pgs. (See order) Signed by Honorable William W. Caldwell on 3/21/11 (am) (Entered: 03/21/2011)
- 03/21/2011 68 UNCONTESTED MOTION to File under seal certain exhibits in support of its emergency motion to hold deft Robert Glenn Bard in contempt filed by plaintiff Securities and Exchange Commission and c of s.(jc) (Entered: 03/21/2011)
- 03/21/2011 69 DOCUMENT SEALED pursuant to Court Order: Plaintiff's Statement of legal and Factual Justification for Sealing Documents as Requested. (jc) (Entered: 03/21/2011)
- 03/23/2011 71 SCHEDULING ORDER: AND NOW, this 23rd day of March, 2011, it is ordered that deft. Robert Glenn shall appear in person w/counsel on Tues., 4/12/2011 @2:00 PM in Harrisburg - Courtroom 1 before Honorable William W. Caldwell, to show cause why he should not be held in contempt for violating the crt.'s orders of 8/11/09 & 1/12/10. 65 (See order) Signed by Honorable William W. Caldwell on 3/23/11. (am) (Entered: 03/23/2011)

- 03/23/2011 72 ORDER - AND NOW, this 23rd day of March, 2011, upon con. of plf.'s uncontested mtn. 68 to file under seal certain exhs. in support of its emergency mtn. to hold deft. Robert Glenn Bard in contempt, it is ordered that the mtn. is granted. The Clerk of Crt. shall file doc. 70 under seal. Signed by Honorable William W. Caldwell on 3/23/11. (am) (Entered: 03/23/2011)
- 03/30/2011 73 BRIEF IN OPPOSITION re 65 MOTION for Contempt Plaintiff Securities and Exchange Commission's Emergency Motion to Hold Defendant Robert Glenn Bard in Contempt filed by Robert Glenn Bard, Vision Specialist Group, LLC. (Attachments: # 1 Exhibit(s) A, B & C)(Boyle, Dennis) (Entered: 03/30/2011)
- 04/05/2011 74 MOTION for Discovery on an Expedited Basis From Defendants' Former Counsel in Aid of the April 12, 2011 Hearing by Securities and Exchange Commission. (Attachments: # 1 Certificate of Nonconcurrency) (Thompson, Scott) (Entered: 04/05/2011)
- 04/05/2011 75 BRIEF IN SUPPORT re 74 MOTION for Discovery on an Expedited Basis From Defendants' Former Counsel in Aid of the April 12, 2011 Hearing filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit (s) #1, # 2 Proposed Order)(Thompson, Scott) (Entered: 04/05/2011)
- 04/06/2011 76 BRIEF IN OPPOSITION re 74 MOTION for Discovery on an Expedited Basis From Defendants' Former Counsel in Aid of the April 12, 2011 Hearing filed by Robert Glenn Bard, Vision Specialist Group, LLC.(Schanbacher, Megan) (Entered: 04/06/2011)
- 04/07/2011 77 ORDER - ACCORDINGLY, this 7th day of April, 2011, it is ordered that plf.'s mtn. for expedited disc. 74 is denied. Signed by Honorable William W. Caldwell on 4/7/11 (am) (Entered: 04/07/2011)
- 04/12/2011 79 STIPULATION AND ORDER - AND NOW, this 12th day of April, 2011, the parties hereby stipulate to the entry of this Order in resolution of Plf. Securities and Exchange Commission's Emergency Motion to Hold Defendant Robert Glenn Bard in Contempt & deft.'s response thereto. (See Stipulation and Order for complete details.) Signed by Honorable William W. Caldwell on 4/12/11. (am) (Entered: 04/12/2011)
- 04/21/2011 80 SCHEDULING ORDER: Pretrial Conference set for 8/3/2011 @ 10:00 AM in chambers, 9th Flr., Fed. Bldg., 3rd & Walnut Sts., Harrisburg before Honorable William W. Caldwell. Jury Selection/Jury trial set for 8/8/2011 9:30 AM in Harrisburg - Courtroom 1 before Honorable William W. Caldwell. Pretrial Memos due 2 days prior to the conf. Trial briefs shall be submitted prior to trial. Jury instructions shall be submitted prior to trial. Mtns. in limine, if any, shall be filed @ least 10 days prior to J/Sel. Req. for voir dire shall be submitted before trial commences. (See order for complete details.)Signed by Honorable William W. Caldwell on 4/21/11. (am,) (Entered: 04/21/2011)
- 04/25/2011 81 MOTION for Extension of Time to to File Certification by Robert Glenn Bard, Vision Specialist Group, LLC. (Attachments: # 1 Proposed Order, # 2 Certificate by Counsel)(Schanbacher, Megan) (Entered: 04/25/2011)
- 04/26/2011 82 ORDER - AND NOW, this 26th day of April, 2011, upon con. of the defts.' mtn. for enlarge. of time 81, the same is granted. Deft. is afforded one week ext. of time to certify satisfaction of the requirement of the 4/12/11 order. (See order) Signed by Honorable William W. Caldwell on 4/26/11 (am,) (Entered: 04/26/2011)
- 05/02/2011 83 CERTIFICATE of by Robert Glenn Bard, Vision Specialist Group, LLC of Notice. (Attachments: # 1 Exhibit(s) A & B)(Schanbacher, Megan) (Entered: 05/02/2011)
- 05/18/2011 84 MOTION for Discovery for Leave to Serve Expedited Discovery Relating to Defendant's Compliance with Contempt Order by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(Thompson, Scott)

(Entered: 05/18/2011)

- 05/18/2011 85 BRIEF IN SUPPORT re 84 MOTION for Discovery for Leave to Serve Expedited Discovery Relating to Defendant's Compliance with Contempt Order filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6)(Thompson, Scott) (Entered: 05/18/2011)
- 05/18/2011 86 CERTIFICATE of Counsel re 84 MOTION for Discovery for Leave to Serve Expedited Discovery Relating to Defendant's Compliance with Contempt Order by Scott A. Thompson on behalf of Securities and Exchange Commission (Thompson, Scott) (Entered: 05/18/2011)
- 05/20/2011 87 ORDER - AND NOW, this 20th day of May, 2011, defts. are Ordered to respond to plf.'s mtn. to seek discovery from Hometown Bank by 5:00 p.m. on Monday, May 23, 2011. 84 Signed by Honorable William W. Caldwell on 5/20/11. (am,) (Entered: 05/20/2011)
- 05/23/2011 88 BRIEF IN OPPOSITION re 84 MOTION for Discovery for Leave to Serve Expedited Discovery Relating to Defendant's Compliance with Contempt Order filed by Robert Glenn Bard, Vision Specialist Group, LLC. (Schanbacher, Megan) (Entered: 05/23/2011)
- 05/24/2011 89 REPLY BRIEF re 84 MOTION for Discovery for Leave to Serve Expedited Discovery Relating to Defendant's Compliance with Contempt Order filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit(s) A) (Rinaldi, Michael) (Entered: 05/24/2011)
- 05/25/2011 90 MOTION for Leave to File Surreply to Plaintiff's Reply Brief by Robert Glenn Bard, Vision Specialist Group, LLC. (Attachments: # 1 Exhibit(s) A, # 2 Proposed Order)(Schanbacher, Megan) (Entered: 05/25/2011)
- 05/25/2011 91 CERTIFICATE of by Robert Glenn Bard, Vision Specialist Group, LLC re 90 MOTION for Leave to File Surreply to Plaintiff's Reply Brief Nonconcurrency. (Schanbacher, Megan) (Entered: 05/25/2011)
- 05/25/2011 92 BRIEF IN SUPPORT re 90 MOTION for Leave to File Surreply to Plaintiff's Reply Brief filed by Robert Glenn Bard, Vision Specialist Group, LLC. (Schanbacher, Megan) (Entered: 05/25/2011)
- 05/27/2011 93 ORDER granting 90 Motion for Leave to File Surreply Brief. Signed by Honorable William W. Caldwell on 5/27/11. (am,) (Entered: 05/27/2011)
- 05/31/2011 94 SUR REPLY to REPLY to Response to Motion re 84 MOTION for Discovery for Leave to Serve Expedited Discovery Relating to Defendant's Compliance with Contempt Order filed by Robert Glenn Bard, Vision Specialist Group, LLC.(Schanbacher, Megan) (Entered: 05/31/2011)
- 06/02/2011 95 Unopposed MOTION to Exceed Page Limitation for Summary Judgment Briefing by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(Thompson, Scott) (Entered: 06/02/2011)
- 06/02/2011 96 BRIEF IN SUPPORT with Certificate of Service re 95 Unopposed MOTION to Exceed Page Limitation for Summary Judgment Briefing filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit(s) A - Certificate of Concurrence)(Thompson, Scott) (Entered: 06/02/2011)
- 06/03/2011 97 ORDER- AND NOW, this 3rd day of June, 2011, upon con. of the SEC's mtn. for leave to serve expedited disc. 84 ...the mtn. is granted. Plf. may serve disc. on Hometown Bank seeking information relating to Julie Bard's bank acct., & may ask for docs. to be returned w/in 7 days of service of the subpoena. (See order) Signed by Honorable William W. Caldwell on 6/3/11. (am,) (Entered: 06/03/2011)
- 06/06/2011 98 ORDER granting 95 plf. SEC's uncontested mtn. to ext. the pg. limits for SJ briefing. IT IS FURTHER ORDERED that plf. may file a 45 pg. br. in sup. of its mtn. for SJ, defts. may file a 45 pg. br. in response, & plf. may file a 30 pg. reply br. (See order) Signed by Honorable William W. Caldwell

- on 6/6/11 (am,) (Entered: 06/06/2011)
- 06/10/2011 99 MOTION for Summary Judgment by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(Rinaldi, Michael) (Entered: 06/10/2011)
- 06/10/2011 100 CERTIFICATE of Counsel re 99 MOTION for Summary Judgment by Michael J. Rinaldi on behalf of Securities and Exchange Commission (Rinaldi, Michael) (Entered: 06/10/2011)
- 06/10/2011 101 BRIEF IN SUPPORT re 99 MOTION for Summary Judgment filed by Securities and Exchange Commission. (Attachments: # 1 Unreported Cases)(Rinaldi, Michael) (Entered: 06/10/2011)
- 06/10/2011 102 STATEMENT OF FACTS re 99 MOTION for Summary Judgment (Undisputed) filed by Securities and Exchange Commission.(Rinaldi, Michael) (Entered: 06/10/2011)
- 06/10/2011 103 DOCUMENT SEALED pursuant to Court Order. (Attachments: # 1 Statement of Facts, # 2 Proposed Order, # 3 Exhibits A - J (Part 1), # 4 Exhibits A - J (Part 2), # 5 Exhibits K (Part 1), # 6 Exhibits K (Part 2), # 7 Exhibits, # 8 Exhibits, # 9 Exhibits, # 10 Exhibits) (pjr) (Additional attachment(s) added on 6/10/2011: # 11 Exhibit(s), # 12 Exhibit(s), # 13 Exhibit(s), # 14 Exhibit(s)) (pjr,). (Additional attachment(s) added on 6/10/2011: # 15 Exhibit(s) T, # 16 Exhibit(s) BB, # 17 Exhibit(s) SS, # 18 Exhibit(s) YY) (pjr,). (Entered: 06/10/2011)
- 06/24/2011 104 MOTION for Extension of Time to File Response to Plaintiff's Motion for Summary Judgment by Robert Glenn Bard, Vision Specialist Group, LLC. (Attachments: # 1 Certificate of Concurrence, # 2 Proposed Order) (Schanbacher, Megan) (Entered: 06/24/2011)
- 06/24/2011 105 ORDER - AND NOW, this 24th day of June, 2011, upon con. of the deft.'s mtn. for enlargement of time to file a response to plf.'s mtn. for SJ, said mtn. is GRANTED. 104 The defts. shall file their response to plf.'s statement of undisputed facts & mtn. for SJ on or before 7/19/11. Signed by Honorable William W. Caldwell on 6/24/11 (am,) (Entered: 06/24/2011)
- 06/27/2011 106 MOTION for Extension of Time to Postpone Trial Date by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(Thompson, Scott) (Entered: 06/27/2011)
- 06/27/2011 107 CERTIFICATE of Counsel re 106 MOTION for Extension of Time to Postpone Trial Date by Scott A. Thompson on behalf of Securities and Exchange Commission (Thompson, Scott) (Entered: 06/27/2011)
- 06/27/2011 108 ORDER - AND NOW, this 27th day of June, 2011, upon con. of plf.'s mtn. 106 to modify the CMC order, it is ordered that this case is removed for the Aug. 2011 trial list & placed on the Dec. 5, 2011 trial list, sched. order to follow. (See order) Signed by Honorable William W. Caldwell on 6/27/11 (am,) (Entered: 06/27/2011)
- 07/19/2011 109 ANSWER TO STATEMENT OF FACTS re 102 Statement of Facts filed by Robert Glenn Bard, Vision Specialist Group, LLC.(Schanbacher, Megan) (Entered: 07/19/2011)
- 07/19/2011 110 BRIEF IN OPPOSITION re 99 MOTION for Summary Judgment filed by Robert Glenn Bard, Vision Specialist Group, LLC.(Schanbacher, Megan) (Entered: 07/19/2011)
- 07/19/2011 111 APPENDIX by Robert Glenn Bard, Vision Specialist Group, LLC. to 110 Brief in Opposition to Motion for Summary Judgment. (Attachments: # 1 Exhibit(s) A Part 1, # 2 Exhibit(s) A Part 2, # 3 Exhibit(s) A Part 3, # 4 Exhibit(s) A Part 4)(Schanbacher, Megan) (Entered: 07/19/2011)
- 07/19/2011 112 APPENDIX by Robert Glenn Bard, Vision Specialist Group, LLC. to 111 Appendix,. (Attachments: # 1 Exhibit(s) A Part 5, # 2 Exhibit(s) A Part 6,

- # 3 Exhibit(s) A Part 7, # 4 Exhibit(s) A Part 8)(Schanbacher, Megan) (Entered: 07/19/2011)
- 07/19/2011 113 APPENDIX by Robert Glenn Bard, Vision Specialist Group, LLC. to 111 Appendix, 112 Appendix. (Attachments: # 1 Exhibit(s) B, # 2 Exhibit(s) C, # 3 Exhibit(s) D, # 4 Exhibit(s) E)(Schanbacher, Megan) (Entered: 07/19/2011)
- 07/19/2011 114 APPENDIX by Robert Glenn Bard, Vision Specialist Group, LLC. to 111 Appendix, 112 Appendix, 113 Appendix. (Attachments: # 1 Exhibit(s) F, # 2 Exhibit(s) G, # 3 Exhibit(s) H, # 4 Exhibit(s) I, # 5 Exhibit(s) J, # 6 Exhibit(s) K, # 7 Exhibit(s) L, # 8 Exhibit(s) M, # 9 Exhibit(s) N) (Schanbacher, Megan) (Entered: 07/19/2011)
- 07/19/2011 115 APPENDIX by Robert Glenn Bard, Vision Specialist Group, LLC. to 111 Appendix, 112 Appendix, 114 Appendix, 113 Appendix. (Attachments: # 1 Exhibit(s) O, # 2 Exhibit(s) P, # 3 Exhibit(s) Q, # 4 Exhibit(s) R, # 5 Exhibit(s) S, # 6 Exhibit(s) T, # 7 Exhibit(s) U)(Schanbacher, Megan) (Entered: 07/19/2011)
- 07/28/2011 116 Unopposed MOTION for Extension of Time to Reply To Defendant's Response To The Motion For Summary Judgment by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(Thompson, Scott) (Entered: 07/28/2011)
- 07/28/2011 117 CERTIFICATE of Counsel re 116 Unopposed MOTION for Extension of Time to Reply To Defendant's Response To The Motion For Summary Judgment by Scott A. Thompson on behalf of Securities and Exchange Commission (Thompson, Scott) (Entered: 07/28/2011)
- 08/01/2011 118 ORDER - AND NOW, this 1st day of August, 2011, upon con. of the SEC's unopp. mtn. 116 for an ext. of time to file its reply brief on its mtn. for SJ, it is ordered that: 1. The mtn. is granted. 2. Plf. SEC shall file its reply brief by 8/12/11. (See order) Signed by Honorable William W. Caldwell on 8/1/11 (am,) (Entered: 08/01/2011)
- 08/12/2011 119 REPLY BRIEF re 99 MOTION for Summary Judgment filed by Securities and Exchange Commission. (Attachments: # 1 Table of Contents, # 2 Exhibit 1, part 1, # 3 Exhibit 1, part 2, # 4 Exhibit 1, part 3)(Thompson, Scott) (Entered: 08/12/2011)
- 08/12/2011 120 DOCUMENT SEALED pursuant to Court Order. (Attachments: # 1 Certificate, # 2 Proposed Order) (pjr) (Entered: 08/12/2011)
- 08/15/2011 122 DOCUMENT SEALED pursuant to Court Order (am,) (Entered: 08/15/2011)
- 11/02/2011 123 MOTION to Remove Case From Trial List by Robert Glenn Bard, Vision Specialist Group, LLC. (Attachments: # 1 Proposed Order, # 2 Certificate of Concurrence)(Schanbacher, Megan) (Entered: 11/02/2011)
- 11/03/2011 124 ORDER - AND NOW, this 3rd day of Nov., 2011, upon con. of defts.' mtn. 123 to cont. trial, it is ORDERED that said mtn. is GRANTED. This case is listed for trial @ the Feb. 2012 trial term, sched. order to follow. (See order) Signed by Honorable William W. Caldwell on 11/3/11 (am,) (Entered: 11/03/2011)
- 11/10/2011 125 MEMORANDUM AND ORDER - AND NOW, this 10th day of Nov., 2011, upon con. of plf.'s mtn. for SJ 99 & pur. to the accompanying memorandum, it is ORDERED as follows: 1. Plf.'s mtn. for SJ 99 is GRANTED. 2. The Clerk of Crt. is directed to enter jgm. in favor of plf. & against defts. 3. Defts. are hereby found liable for violations of 17 (a) of the Securites Act of 1933 10(b) of the Exchange Act of 1934, & Rule 10b-5 thereunder, & Section 206(1) & 206(2) of the Investment Advisers Act of 1940. 4. Defts., & all persons in concert or participation with them who receive actual notice of this order by personal service or otherwise, are permanently restrained & enjoined

from violating, directly or indirectly, Section 17(a) of the Securities Act of 1933 Section 10(b) of the Exchange Act of 1934, or Rule 10b-5 thereunder, or Section 206(1) & 206(2) of the Investment Advisers Act of 1940. 5. Defts. are jointly & severally liable for disgorgement of \$450,000.00, together w/prejudgment interest thereon. 6. Instructions for payment shall be set by future order. Defts.' payment obligation shall not take effect until the court has set the final amt. for their total obligation. 7. While a civil penalty appears to be appropriate, a hrg. is required to determine a reasonable amt., given the fact that we lack information as to defts.' current & future financial condition, & other factors that bear on this decision. A hearing will be conducted on Tuesday, 12/13/11, @ 9:30 a.m. (See memo for complete details.) Signed by Judge William W. Caldwell on 11/10/11. (am,) (Entered: 11/10/2011)

- 11/28/2011 126 MOTION to Continue Hearing by Robert Glenn Bard, Vision Specialist Group, LLC. (Attachments: # 1 Proposed Order, # 2 Certificate of Concurrence)(Boyle, Dennis) (Entered: 11/28/2011)
- 11/29/2011 127 ORDER - AND NOW, this 29th day of Nov., 2011, upon con. of the deft.'s mtn. to cont. hrg. 126 said mtn. is hereby GRANTED. The hrg. to determine civil penalties shall be resched. for Thursday, 1/19/12, @ 10 a.m. in Ctrm. #1. Signed by Judge William W. Caldwell on 12/29/11. (am,) (Entered: 11/29/2011)
- 01/10/2012 128 Unopposed MOTION for Order to Require the Preservation of Proceeds from the Sale of Real Property by Securities and Exchange Commission. (Attachments: # 1 Exhibit(s) A)(Thompson, Scott) (Entered: 01/10/2012)
- 01/11/2012 129 ORDER granting 128 Plaintiff SEC's uncontested motion to require the preservation of proceeds from the sale of real property (the "Uncontested Motion")(See order for complete details.) Signed by Honorable William W. Caldwell on 1/11/12 (am,) (Entered: 01/11/2012)
- 01/19/2012 131 Exhibit List by Securities and Exchange Commission. (Original exhs. w/the crt.) (am,) (Pursuant to court order dtd. 1/23/12, doc. #135, all exhs. are ADMITTED into evidence.) Modified on 1/23/2012 (am,). (Entered: 01/19/2012)
- 01/19/2012 132 Exhibit List by Robert Glenn Bard & Vision Specialist Group, LLC. (Original exhs. w/the crt.) (am,) (Pursuant to court order dtd. 1/23/12, doc. #135, all exhs. are ADMITTED into evidence.) Modified on 1/23/2012 (am,). (Entered: 01/19/2012)
- 01/20/2012 133 Unopposed MOTION to Admit Into Evidence All Exhibits Offered by Plaintiff and Defendants at the January 19, 2012 Hearing re 131 Exhibit List, 132 Exhibit List with Certificate of Service by Securities and Exchange Commission. (Attachments: # 1 Proposed Order)(Thompson, Scott) (Entered: 01/20/2012)
- 01/20/2012 134 CERTIFICATE of Counsel re 133 Unopposed MOTION to Admit Into Evidence All Exhibits Offered by Plaintiff and Defendants at the January 19, 2012 Hearing re 131 Exhibit List, 132 Exhibit List with Certificate of ServiceUnopposed MOTION to Admit Into Evidence All Exhibits Offered by Plaintiff and Defendants at the January 19, 2012 Hearing re 131 Exhibit List, 132 Exhibit List with Certificate of Service by Scott A. Thompson on behalf of Securities and Exchange Commission (Thompson, Scott) (Entered: 01/20/2012)
- 01/23/2012 135 ORDER - AND NOW, this 23rd day of Jan., 2012, IT IS ORDERED THAT all exhs. offered during the hrg. on 1/19/12 & detailed on the exh. lists docketed as entries 131 & 132 are deemed ADMITTED into evidence. 133 Signed by Honorable William W. Caldwell on 1/23/12 (am,) (Entered: 01/23/2012)
- 02/02/2012 136 ORDER - ACCORDINGLY, this 2nd day of Feb., 2012, upon con. of the 1/19/12 hrg., it is ORDERED that: 1. Defts. are jointly & severally

liable for a civil penalty in the amt. of 2,500,000.00 dollars. 2. W/in 14 days of the dt. of this order, plf. shall send defts. an assessment of the total amt. owed, which shall include the disgorgement amt. of \$450,000, w/prejudgment interest calculated pur. to 26 USC 6621(a)(2), & the civil penalty of \$2,500,000.00. 3. Upon receipt of the assessment, defts. shall notify the crt. w/in 14 days of any objs. to the plf.'s calculation of prejudgment interest. Objs. to the calculation of the prejudgment interest amt. shall be considered separately from the payment of the disgorgement fee & the civil penalty. 4. Defts. shall remit the disgorgement amt. & civil penalty, a total of \$2,950,000.00, by 3/12/12. If there are no objs. to the calculation of the prejudgment interest amt., deft. shall pay that amt. by 3/12/12. 5. Defts. shall satisfy the obligation by submitting a certified check, bank cashier's check, or United States postal money order payable to the SEC. The payment shall be delivered or mailed to the Office of Financial Management, SEC, 100 F Street, NE, Stop 6042, Washington, D.C. 20549, & shall be accompanied by a letter identifying Robert Glenn Bard & Vision Specialist Group, LLC as defts. in this action; setting forth the title & civil action number of this action & the name of this crt; and specifying that payment is made pur. to this Final Judgment. Defts. shall simultaneously transmit photocopies of such payment & letter to the Commission's counsel in this action: Elaine C. Greenberg, Associate Regional Director, Philadelphia Regional Office, SEC, 701 Market Street, Suite 2000, Philadelphia, PA 19106. By making this payment, defts. relinquish all legal & equitable right, title & interest in such funds, & no part of the funds shall be returned to defts. Defts. shall pay post-judgment interest on any delinquent amts. pur. to 28 USC 1961. The Commission shall remit the funds paid pur. to this paragraph to the United States Treasury. 99 (See order for complete details.) Signed by Honorable William W. Caldwell on 2/2/12. (am,) (Entered: 02/02/2012)

- 04/12/2012 137 MOTION for Judgment (Final) by Securities and Exchange Commission. (Attachments: # 1 Certificate of Nonconurrence, # 2 Proposed Order) (Thompson, Scott) (Entered: 04/12/2012)
- 04/12/2012 138 BRIEF IN SUPPORT with Certificate of Service re 137 MOTION for Judgment (Final) filed by Securities and Exchange Commission. (Attachments: # 1 Exhibit(s) A, # 2 Exhibit(s) B, # 3 Exhibit(s) C, # 4 Exhibit(s) D)(Thompson, Scott) (Entered: 04/12/2012)
- 05/17/2012 139 ORDER - ACCORDINGLY, this 17th day of May, 2012, upon consideration of plf.'s 137 mtn. for entry of final judgment, & based upon this court's prior orders of 11/10/11 125 , & 2/2/12 136 , it is ORDERED that: 1. Plf's mtn. for the entry of final jdgm. 137 is GRANTED. 2. The Clerk of Crt. shall enter final judgment in favor of plf. & against defts. 3. The court's order of 11/10/11 125 remains in full effect & is incorporated fully as if stated herein. 5. In addition to the previously established liability for disgorgement & civil penalties, defts. are also jointly & severally liable for prejudgment interest of \$53,039. 6. Defts. shall remit the disgorgement amt., civil penalty, & prejudgment interest, a total of \$3,003.039.00, w/in 7 days of the entry of this order. (See paragraphs 7, 8, & 9 for complete details.) 10. The Clerk of Court shall close this file. Signed by Honorable William W. Caldwell on 5/17/12 (am,) (Entered: 05/18/2012)
- 05/23/2012 140 FINAL JUDGMENT - It is hereby ordered and adjudged that Final Judgment is entered in favor of the plaintiff, Securities and Exchange Commission and against the defendants Robert Glenn Bard and Vision Specialist Group, LLC. Defendants shall remit the disgorgement amount, civil penalty, and prejudgment interest, a total of \$3,003,039.00. Signed and entered by deputy clerk ASM on 5/23/23.(am,) (Entered: 05/23/2012)
- 06/19/2012 141 Receipt Letter: \$ 38433.86, receipt number 11011757. (pjr) Modified on 6/19/2012 (pjr,). (Entered: 06/19/2012)

- 06/19/2012 142 RECEIPT LETTER \$ 4,552.79, receipt number 333024059 Robert Bard partial fee 6/19/12. Letter from Bonnie K Redinger from Hometown Bank. (lh,) (Entered: 06/19/2012)
- 06/29/2012 143 RECEIPT LETTER \$ 525.00, receipt number 333024200 Bulldog Federal Credit Union Security & Exchange Commission 6/29/12 (ao,) (Entered: 07/02/2012)
- 06/29/2012 144 RECEIPT LETTER \$ 525.00, receipt number 333024200 Security and Exchange commission Per Order of Court 6/29/12 (ts,) (Entered: 07/05/2012)
- 07/09/2012 145 RECEIPT LETTER \$ 458.07, receipt number 333024293 Scottrade Security and Exchange Comm 7/9/12 (ao,) (Entered: 07/10/2012)
- 10/11/2013 146 STENO NOTES/TAPE OF PROCEEDINGS filed by Wes Armstrong of TRO Hearing before Judge Caldwell on 08/04/09. (Court Reporter Notes/Tapes are not viewable pdf documents). (ma) (Entered: 10/11/2013)
- 04/07/2014 147 ORDER: It appearing that the sum of \$43,970.60 has been submitted to the Clerk of Court, in connection with previous orders in this case, it is Ordered that the Clerk of Court is directed, as soon as practicable, to invest said sum into an interest-bearing account consistent with the mandates of Federal Rule of Civil Procedure 67 and Local Rule 67.1. Signed by Honorable William W. Caldwell on 04/07/14. (ma) (Entered: 04/07/2014)
- 05/19/2014 148 NOTICE of Change of Address by Michael J. Rinaldi (Rinaldi, Michael) (Entered: 05/19/2014)

Judgments

<u>Date</u>	<u>In Favor Of</u>	<u>Against</u>	<u>Amount</u>	<u>Interest</u>	<u>Court Cost</u>	<u>Status</u>	<u>Status Date</u>
05/23/2012	Securities and Exchange Commission	Robert Glenn Bard	\$3003039.00	0.00%	\$ 0.00	No Payment	05/23/2012
<i>Description:</i> \$3003039.00 Final Entry of Judgment							
05/23/2012	Securities and Exchange Commission	Vision Specialist Group, LLC	\$3003039.00	0.00%	\$ 0.00	No Payment	05/23/2012
<i>Description:</i> \$3003039.00 Final Entry of Judgment							

UNITED STATES OF AMERICA

Before the

SECURITIES AND EXCHANGE COMMISSION

ADMINISTRATIVE PROCEEDING

File No. 3-15920

In the Matter of

VISION SPECIALIST GROUP, LLC.,

Respondent.

**MEMORANDUM OF LAW IN SUPPORT OF THE DIVISION OF ENFORCEMENT'S
MOTION FOR SANCTIONS BASED ON DEFAULT**

Exhibit E

US District Court Criminal Docket

**U.S. District - Pennsylvania Middle
(Harrisburg)**

1:12cr181

USA v. Bard

This case was retrieved from the court on Monday, July 28, 2014

Date Filed: 07/18/2012 Class Code: OPEN
Other Docket: None Closed: no

Defendants

Name

Robert G. Bard(1)

Attorneys

Heidi R. Freese
LEAD ATTORNEY;ATTORNEY TO BE NOTICED
Federal Public Defender
100 Chestnut Street Suite 306
Harrisburg, PA 17101-2540
USA
717-782-2237
Designation: Public Defender or Community
Defender Appointment
Email: heidi_freese@fd.org

D. Toni Byrd
[Term: 10/02/2012]
Federal Public Defender's Office
330 Pine St Suite 302
Williamsport, PA 17701
USA
570-323-9314
Designation: Public Defender or Community
Defender Appointment
Email: toni_byrd@fd.org

Dennis E. Boyle
[Term: 04/03/2014]
Boyle Litigation
4660 Trindle Road Suite 102
Camp Hill, PA 17011
USA
717-737-2430
Designation: Retained
Email: deboyle@boylelitigation.com

James V. Wade
[Term: 10/02/2012]
Federal Public Defender
100 Chesnut St Suite 306
Harrisburg, PA 17101

USA
717-782-2237
Designation: Public Defender or Community
Defender Appointment
Email: james_wade@fd.org

Kenneth E. Raleigh
[Term: 04/03/2014]
Boyle Litigation
4660 Trindle Road Suite 200
Camp Hill, PA 17011
USA
717-737-2430
Fax: 717-737-2452
Designation: Retained
Email: keraleigh@boylelitigation.com

Megan E. Schanbacher
[Term: 04/03/2014]
Boyle Litigation
4660 Trindle Road Suite 200
Camp Hill, PA 17011
USA
717-737-2430
Fax: 717-737-2452
Designation: Retained
Email: mschanbacher@boylelitigation.com

Charges**Disposition**

Complaints: none

Pending: 15:78j(b) and 78ff; 17, Code of Federal
Regulations, Sect. 240.10b-5 Securitis
Fraud(1)

18:1343 FRAUD BY WIRE, RADIO, OR
TELEVISION (08)(2-15)

18:1341 FRAUDS AND SWINDLES (08)
(16-18)

18:1344 BANK FRAUD (08)(19)

15:80b-6 and 80b-17 DISCLOSURE OF
INFORMATION BY COMMISSION (04)
(20)

18:1001 STATEMENTS OR ENTRIES
GENERALLY (09)(21)

Offense Level (Opening): Felony

Terminated: none

Case Assigned to: Honorable Sylvia H. Rambo

U. S. Attorneys

Bruce D. Brandler
LEAD ATTORNEY; ATTORNEY TO BE NOTICED
U.S. Attorney's Office

Room 217, Federal Building 228 Walnut Street
 Harrisburg, PA 17108
 USA
 717-221-4482
 Email: bruce.brandler@usdoj.gov

Date	#	Proceeding Text
07/18/2012	1	SEALED INDICTMENT as to Robert G. Bard (1) count(s) 1, 2-15, 16-18, 19, 20, 21. (pm,) (Entered: 07/19/2012)
07/18/2012	2	Criminal Cover Sheet (Access Restricted to Court Users) - First Defendant: Robert. (pm,) (Entered: 07/19/2012)
07/18/2012	3	Sealed Document (pm,) (Entered: 07/19/2012)
07/18/2012	4	MOTION to Seal with declaration in supportby USA as to Robert G. Bard. (pm,) (Entered: 07/19/2012)
07/18/2012	5	ORDER granting 4 Motion to Seal as to Robert G. Bard (1). Signed by Magistrate Judge J. Andrew Smyser on 7/18/12. (pm,) (Entered: 07/19/2012)
07/18/2012	6	ORDER FOR ISSUANCE OF Arrest WARRANT as to Robert G. Bard, signed by Judge Smyser on 7/18/12. (pm,) (Entered: 07/19/2012)
07/19/2012	9	Appearance Bond Entered as to Robert G. Bard in amount of \$ 50,000. (pm,) (Entered: 07/20/2012)
07/19/2012	10	Sealed Document (pm,) (Entered: 07/20/2012)
07/19/2012	11	ORDER Setting Conditions of Release-Dft released on general and special conditions of release. Signed by Magistrate Judge J. Andrew Smyser on 7/19/12. (pm,) (Entered: 07/20/2012)
07/19/2012	12	Sealed Document (pm,) (Entered: 07/20/2012)
07/20/2012	13	COURT REPORTER NOTES - re: Robert G. Bard, filed by Wes Armstrong, of initial appearance hearing held before Magistrate Judge Smyser on 19 July 2012. In accordance with 28 U.S.C., Section 753(b), I certify that these original notes are a true and correct record of proceedings in the United States District Court for the Middle District of PA before Magistrate Judge Smyser on 19 July 2012. By: s/ Wes Armstrong. (Court Reporter Notes are viewable by court staff only.) (Entered: 07/20/2012)
07/24/2012	15	CJA 23 - FINANCIAL AFFIDAVIT by dft Robert G. Bard. (kjn) (Entered: 07/24/2012)
07/24/2012	16	ORDER APPOINTINGFEDERAL PUBLIC DEFENDER as to dft Robert G. Bard. Signed by Magistrate Judge J. Andrew Smyser on July 24, 2012. (kjn) (Entered: 07/24/2012)
07/24/2012	17	NOT GUILTY PLEA ENTERED as to counts 1-21 by dft Robert G. Bard. (kjn) (Entered: 07/24/2012)
07/24/2012	18	SCHEDULING ORDER as to dft Robert G. Bard. Jury Selection and Jury Trial are set for 10/9/2012 at 9:30 AM in Harrisburg - Courtroom 3 before the Honorable Sylvia H. Rambo. Signed by Magistrate Judge J. Andrew Smyser on July 24, 2012. (kjn) (Entered: 07/24/2012)
07/24/2012	19	ORDER in case as to dft Robert G. Bard. Jury Selection and Jury Trial are set for 10/9/2012 at 9:30 AM in Harrisburg - Courtroom 3 before the Honorable Sylvia H. Rambo. SEE ORDER FOR COMPLETE DETAILS. Signed by the Honorable Sylvia H. Rambo on July 24, 2012. (kjn) (Entered: 07/24/2012)
07/27/2012	20	Unopposed MOTION to Designate Case as Complex by Robert G. Bard. (Attachments: # 1 Certificate of Concurrence, # 2 Proposed Order)(Freese, Heidi) (Entered: 07/27/2012)
07/27/2012	21	Unopposed MOTION to Continue Time for Pretrial Discovery Conference, For Filing Bill of Particulars and Pretrial Motions and Jury Selection and Trial by Robert G. Bard. (Attachments: # 1 Certificate of Concurrence, # 2 Proposed Order)(Freese, Heidi)

- (Entered: 07/27/2012)
- 07/30/2012 22 ORDER granting dft's Motion to Designate as a Complex Case 20 as to Robert G. Bard (1). Signed by Honorable Sylvia H. Rambo on 07/30/12. (ma,) (Entered: 07/30/2012)
- 07/30/2012 23 ORDER granting dft's Motion to Continue 21 as to Robert G. Bard. Jury Selection continued to 4/1/2013 @ 9:30 AM; EOJ time excluded; Discovery conference to be held by 9/24/12; Dft's mtn for bill of particulars, if any, due by 10/31/12. Pre-trial mtns due by 2/28/13. Signed by Honorable Sylvia H. Rambo on 07/30/12. (ma,) (Entered: 07/30/2012)
- 07/31/2012 24 MOTION to Modify Conditions of Release Pretrial by Robert G. Bard. (Attachments: # 1 Certificate of Nonconcurrency, # 2 Proposed Order)(Wade, James) (Entered: 07/31/2012)
- 07/31/2012 25 BRIEF IN SUPPORT by Robert G. Bard re 24 MOTION to Modify Conditions of Release Pretrial Brief in Opposition due by 8/17/2012 (Wade, James) (Entered: 07/31/2012)
- 08/01/2012 26 ORDER as to Robert G. Bard Hearing on motion to modify conditions of release set for 8/9/2012 @ 10:00 AM in Harrisburg - Courtroom 3 before Honorable Sylvia H. Rambo.. Signed by Honorable Sylvia H. Rambo on 08/01/12. (ma,) (Entered: 08/01/2012)
- 08/06/2012 27 BRIEF IN OPPOSITION by USA as to Robert G. Bard re 24 MOTION to Modify Conditions of Release Pretrial (Government's Exhibits to be filed separately under seal) Reply Brief due by 8/23/2012. (Brandler, Bruce) (Entered: 08/06/2012)
- 08/06/2012 28 MOTION to File Document Under Seal by USA as to Robert G. Bard. (pm,) (Entered: 08/06/2012)
- 08/06/2012 29 Sealed Document (pm,) (Entered: 08/06/2012)
- 08/06/2012 30 ORDER granting Motion to Seal Document 28 as to Robert G. Bard (1). Signed by Honorable Sylvia H. Rambo on 08/06/12. (ma,) (Entered: 08/06/2012)
- 08/09/2012 31 COURT REPORTER NOTES - re: Robert G. Bard, filed by Wes Armstrong, of bail modification hearing held before Judge Rambo on 9 August 2012. In accordance with 28 U.S.C., Section 753(b), I certify that these original notes are a true and correct record of proceedings in the United States District Court for the Middle District of PA before Judge Rambo on 9 August 2012. By: s/ Wes Armstrong. (Court Reporter Notes are viewable by court staff only.) (Entered: 08/09/2012)
- 08/09/2012 33 ORDER re. dft's Motion to Modify Conditions of Release 24 :1) Condition of Release 7 (g) is amended to exclude the following individuals: Debra Bard, Delmas Bard, Dwight Bard, Julia Bard, Lauren Bard, Lowell Bard, Shirley Bard, Terry Bard, Judy Bishop, Terry Bishop, Jim Bou, Colette Deschamps, Dorothy Goldizen, Theodore Goldizen, Heather Hollenshead, Joe Hollenshead, Tammy Hull, Janice Landers, Donald Landers, Wilda Schooley, Brian Strait, Geraldine Strait, Vicki Truax, Beverly Williams, Braden Wissinger, and Mervin Yoder.2) Dft is permitted to have contact with these individuals, but shall not provide to these individuals financial services, including but not limited to, working as an investment adviser.3) The following individuals were excluded because they are teachers or coaches to Dfts children: Heather Hollenshead, Joe Hollenshead, Brian Strait, Geraldine Strait, and Mervin Yoder. Contact with these individuals shall relate only to the performance of Defendants children in school or sport programs. No other contact shall be made.4) The remaining conditions set forth the courts Order Setting Conditions of Release (Doc. 11) remain in effect.. Signed by Honorable Sylvia H. Rambo on 08/09/12. (ma,) (Entered: 08/09/2012)
- 08/09/2012 34 EXHIBIT LIST by USA, Robert G. Bard as to Robert G. Bard (ma,) (Entered: 08/09/2012)
- 09/28/2012 35 NOTICE OF APPEARANCE: Dennis E. Boyle appearing for Robert G. Bard (Boyle, Dennis) (Entered: 09/28/2012)
- 09/28/2012 36 NOTICE OF APPEARANCE: Megan E. Schanbacher appearing for Robert G. Bard (Schanbacher, Megan) (Entered: 09/28/2012)

- 09/28/2012 37 NOTICE OF APPEARANCE: Kenneth E. Raleigh appearing for Robert G. Bard (Raleigh, Kenneth) (Entered: 09/28/2012)
- 09/28/2012 38 Unopposed MOTION to Withdraw as Attorney by James V. Wade, D. Toni Byrd and Heidi R. Freese. by Robert G. Bard. (Attachments: # 1 Certificate of Concurrence, # 2 Proposed Order)(Freese, Heidi) (Entered: 09/28/2012)
- 10/02/2012 39 ORDER granting dft's Motion to Withdraw as Attorney 38 ; James V. Wade, D. Toni Byrd and Heidi R. Freese withdrawn from case as to Robert G. Bard.. Signed by Honorable Sylvia H. Rambo on 10/02/12. (ma,) (Entered: 10/02/2012)
- 02/11/2013 40 MOTION for Extension of Time to File Pre-Trial Motions, Select a Jury, and Commence Trial by Robert G. Bard. (Attachments: # 1 Proposed Order, # 2 Certificate of Nonconcurrency)(Raleigh, Kenneth) (Entered: 02/11/2013)
- 02/11/2013 41 BRIEF IN SUPPORT by Robert G. Bard re 40 MOTION for Extension of Time to File Pre-Trial Motions, Select a Jury, and Commence Trial Brief in Opposition due by 2/28/2013 (Raleigh, Kenneth) (Entered: 02/11/2013)
- 02/14/2013 42 REPLY BRIEF by USA as to Robert G. Bard re 40 MOTION for Extension of Time to File Pre-Trial Motions, Select a Jury, and Commence Trial (Attachments: # 1 Exhibit (s))(Brandler, Bruce) (Entered: 02/14/2013)
- 02/15/2013 43 ORDER granting dft's Mtn for ExtTm to File PT mtns and continue J/S 40 as to Robert G. Bard. Any pre-trial motions shall be filed on or before 3/28/13. Jury selection and trial is continued to June 11, 2013, at 9:30 a.m. EOJ time excluded.. Signed by Honorable Sylvia H. Rambo on 02/15/13. (ma) (Entered: 02/15/2013)
- 03/28/2013 44 MOTION to Quash Indictment/Information by Robert G. Bard. (Attachments: # 1 Certificate of Nonconcurrency, # 2 Proposed Order)(Raleigh, Kenneth) (Entered: 03/28/2013)
- 03/28/2013 45 BRIEF IN SUPPORT by Robert G. Bard re 44 MOTION to Quash Indictment/Information Brief in Opposition due by 4/15/2013 (Attachments: # 1 Exhibit(s))(Raleigh, Kenneth) (Entered: 03/28/2013)
- 03/28/2013 46 MOTION to Exclude "Bard Misrepresentations 4/30/10" Document by Robert G. Bard. (Attachments: # 1 Certificate of Nonconcurrency, # 2 Proposed Order)(Raleigh, Kenneth) (Entered: 03/28/2013)
- 03/28/2013 47 BRIEF IN SUPPORT by Robert G. Bard re 46 MOTION to Exclude "Bard Misrepresentations 4/30/10" Document Brief in Opposition due by 4/15/2013 (Attachments: # 1 Exhibit(s))(Raleigh, Kenneth) (Entered: 03/28/2013)
- 04/11/2013 48 Unopposed MOTION for Leave to File Excess Pages to Government's Omnibus Response to Defendant's Pre-Trial Motions by USA as to Robert G. Bard. (Attachments: # 1 Certificate of Concurrence, # 2 Proposed Order)(Brandler, Bruce) (Entered: 04/11/2013)
- 04/11/2013 49 BRIEF IN OPPOSITION by USA as to Robert G. Bard re 46 MOTION to Exclude "Bard Misrepresentations 4/30/10" Document, 44 MOTION to Quash Indictment/Information Reply Brief due by 4/29/2013. (Attachments: # 1 Exhibit(s)) (Brandler, Bruce) (Entered: 04/11/2013)
- 04/11/2013 50 ORDER granting the gvt's Motion for Leave to File Excess Pages 48 . The Gvt's response is accepted for filing.. Signed by Honorable Sylvia H. Rambo on 04/11/13. (ma) (Entered: 04/11/2013)
- 05/06/2013 52 MEMORANDUM AND ORDER: Dft's Motion to Quash 44 and to exclude misrepresentations document 46 are DENIED.. Signed by Honorable Sylvia H. Rambo on 05/06/13. (ma) (Entered: 05/06/2013)
- 05/10/2013 53 MOTION in Limine to Exclude Any Evidence of and Reference to Defendant's Prior Bankruptcy by Robert G. Bard. (Attachments: # 1 Certificate of Nonconcurrency, # 2 Proposed Order, # 3 Exhibit(s) A)(Raleigh, Kenneth) (Entered: 05/10/2013)
- 05/10/2013 54 BRIEF IN SUPPORT by Robert G. Bard re 53 MOTION in Limine to Exclude Any Evidence of and Reference to Defendant's Prior Bankruptcy Brief in Opposition due by 5/28/2013 (Raleigh, Kenneth) (Entered: 05/10/2013)

- 05/10/2013 55 MOTION in Limine to Exclude Evidence of and Reference to Any Prior Investigation into the Defendant by the National Association of Securities Dealers and/or the Financial Industry Regulatory Authority by Robert G. Bard. (Attachments: # 1 Certificate of Nonconcurrency, # 2 Proposed Order, # 3 Exhibit(s) A, # 4 Exhibit(s) B)(Raleigh, Kenneth) (Entered: 05/10/2013)
- 05/10/2013 56 BRIEF IN SUPPORT by Robert G. Bard re 55 MOTION in Limine to Exclude Evidence of and Reference to Any Prior Investigation into the Defendant by the National Association of Securities Dealers and/or the Financial Industry Regulatory Authority Brief in Opposition due by 5/28/2013 (Raleigh, Kenneth) (Entered: 05/10/2013)
- 05/21/2013 57 ORDER Jury Selection continued to 7/1/2013 @ 9:30 AM in Harrisburg - Courtroom 3 before Honorable Sylvia H. Rambo as to Robert G. Bard.. Signed by Honorable Sylvia H. Rambo on 05/21/13. (ma) (Entered: 05/21/2013)
- 05/24/2013 58 BRIEF IN OPPOSITION by USA as to Robert G. Bard re 53 MOTION in Limine to Exclude Any Evidence of and Reference to Defendant's Prior Bankruptcy, 55 MOTION in Limine to Exclude Evidence of and Reference to Any Prior Investigation into the Defendant by the National Association of Securities Dealers and/or the Financial Industry Regulatory Authority Reply Brief due by 6/10/2013. (Attachments: # 1 Exhibit(s))(Brandler, Bruce) (Entered: 05/24/2013)
- 05/28/2013 59 MOTION to Continue Trial by Robert G. Bard. (Attachments: # 1 Certificate of Nonconcurrency, # 2 Proposed Order)(Raleigh, Kenneth) (Entered: 05/28/2013)
- 05/28/2013 60 BRIEF IN SUPPORT by Robert G. Bard re 59 MOTION to Continue Trial Brief in Opposition due by 6/14/2013 (Raleigh, Kenneth) (Entered: 05/28/2013)
- 06/03/2013 61 BRIEF IN OPPOSITION by USA as to Robert G. Bard re 59 MOTION to Continue Trial Reply Brief due by 6/20/2013. (Brandler, Bruce) (Entered: 06/03/2013)
- 06/04/2013 62 LETTER from Robert G. Bard (Boyle, Dennis) (Entered: 06/04/2013)
- 06/07/2013 63 REPLY BRIEF by Robert G. Bard re 53 MOTION in Limine to Exclude Any Evidence of and Reference to Defendant's Prior Bankruptcy, 55 MOTION in Limine to Exclude Evidence of and Reference to Any Prior Investigation into the Defendant by the National Association of Securities Dealers and/or the Financial Industry Regulatory Authority (Raleigh, Kenneth) (Entered: 06/07/2013)
- 06/12/2013 65 ORDER granting Motion to Continue 59 as to Robert G. Bard. Jury Selection and Trial continued to 8/12/2013 beginning at 9:30 AM in Harrisburg - Courtroom 1 before Honorable Sylvia H. Rambo. EOJ time excluded.. Signed by Honorable Sylvia H. Rambo on 06/12/13. (ma) (Entered: 06/12/2013)
- 06/20/2013 66 MEMORANDUM & ORDER as to Robert G. Bard. 1. Dfts Mtns in Limine (Docs. 53 & 55) are DENIED;2. If the Gvt intends to introduce portions of the Dfts 4/12/07 deposition at trial, those portions shall be submitted to the court at least one week prior to trial.. Signed by Honorable Sylvia H. Rambo on 06/20/13. (ma) (Entered: 06/20/2013)
- 07/30/2013 67 NOTICE to Introduce Entire Transcript of Def's SEC Testimony by Robert G. Bard (Attachments: # 1 Exhibit(s))(Brandler, Bruce) (Entered: 07/30/2013)
- 08/06/2013 68 Proposed Voir Dire by Robert G. Bard (Raleigh, Kenneth) (Entered: 08/06/2013)
- 08/06/2013 69 MOTION for Leave to File in Excess of Twelve (12) Points For Charge by USA as to Robert G. Bard. (Attachments: # 1 Certificate of Nonconcurrency (unavailability), # 2 Proposed Order)(Brandler, Bruce) (Entered: 08/06/2013)
- 08/06/2013 70 Proposed Jury Instructions by USA as to Robert G. Bard (Brandler, Bruce) (Entered: 08/06/2013)
- 08/06/2013 71 Proposed Voir Dire by USA as to Robert G. Bard (Brandler, Bruce) (Entered: 08/06/2013)
- 08/06/2013 72 MOTION for Leave to File Points for Charge in Excess of Twelve by Robert G. Bard. (Attachments: # 1 Certificate of Concurrence, # 2 Proposed Order)(Raleigh, Kenneth) (Entered: 08/06/2013)
- 08/06/2013 73 Proposed Jury Instructions by Robert G. Bard (Raleigh, Kenneth) (Entered: 08/06/2013)

08/06/2013)

08/07/2013 74 ORDER granting the Gvt's Motion for Leave to File in excess of 12 points for charge 72 as to Robert G. Bard (1). Signed by Honorable Sylvia H. Rambo on 08/07/13. (ma) (Entered: 08/07/2013)

08/07/2013 76 ORDER as to Robert G. Bard: 1. The Gvts oral motion to quash trial subpoenas issued by dft to certain victims is GRANTED IN PART. The portion of the subpoena duces tecum requesting production of post-2009 investment documentation is QUASHED. Dfts have not shown that those documents are relevant to the issues of this case.2. The Dfts oral request to sequester victims to be called as witnesses is DENIED. Dft has not met his burden of showing under FRCP 60(a)(2) that the victims presence at the proceedings would materially alter the victims testimony.. Signed by Honorable Sylvia H. Rambo on 08/07/13. (ma) (Entered: 08/07/2013)

08/09/2013 77 EXHIBIT LIST by USA as to Robert G. Bard (Brandler, Bruce) (Entered: 08/09/2013)

08/11/2013 78 EXHIBIT LIST by Robert G. Bard (Boyle, Dennis) (Entered: 08/11/2013)

08/11/2013 79 WITNESS LIST by Robert G. Bard (Boyle, Dennis) (Entered: 08/11/2013)

08/12/2013 81 Jury List as to Robert G. Bard (ma) (Entered: 08/13/2013)

08/14/2013 83 Government's Revised Exhibit List (Brandler, Bruce) (Entered: 08/14/2013)

08/21/2013 92 Cash Bond Entered as to Robert G. Bard in amount of \$ 10,000.00, (10% (\$1000 paid) (Receipt # 111013939. (ma) (Entered: 08/22/2013)

08/21/2013 93 EXHIBIT LIST (admitted only) by USA as to Robert G. Bard (ma) (Entered: 08/22/2013)

08/21/2013 94 EXHIBIT LIST by Robert G. Bard (ma) (Entered: 08/22/2013)

08/22/2013 91 JURY VERDICT Guilty on all counts as to Robert Bard. (ma) (Entered: 08/22/2013)

08/22/2013 Statistical Update in Case. (admin,) (Entered: 09/17/2013)

11/15/2013 95 MOTION for Extension of Time to File Response/Reply to Pre-Sentence Report by Robert G. Bard. (Attachments: # 1 Certificate of Nonconcurrency, # 2 Proposed Order)(Boyle, Dennis) (Entered: 11/15/2013)

11/18/2013 96 ORDER granting dft's Mtn for ExtTm 95 as to Robert G. Bard (1). Dft permitted to respond to the PSR by 12/18/13. Signed by Honorable Sylvia H. Rambo on 11/18/13. (ma) (Entered: 11/18/2013)

02/11/2014 97 ORDER as to Robert G. Bard Evidentiary Hearing on loss amount is set for 3/11/2014 @ 9:30 AM in Harrisburg - Courtroom 3 before Honorable Sylvia H. Rambo.. Signed by Honorable Sylvia H. Rambo on 02/11/14. (ma) (Entered: 02/11/2014)

02/28/2014 98 ORDER: The 3/11/14 evidentiary hearing on the amount of loss and the number of victims in the captioned case will commence one-half hour earlierand will be held from 9:00 a.m. to 12:00 p.m. on 3/11/14 as to Robert G. Bard.. Signed by Honorable Sylvia H. Rambo on 02/28/14. (ma) (Entered: 02/28/2014)

02/28/2014 99 MOTION to Continue Loss Hearing by Robert G. Bard. (Attachments: # 1 Exhibit(s), # 2 Certificate of Nonconcurrency, # 3 Proposed Order)(Boyle, Dennis) (Entered: 02/28/2014)

02/28/2014 100 REPLY BRIEF by USA as to Robert G. Bard re 99 MOTION to Continue Loss Hearing (Attachments: # 1 Exhibit(s))(Brandler, Bruce) (Entered: 02/28/2014)

03/03/2014 101 ORDER denying dft's Motion to Continue loss hearing 99 as to Robert G. Bard. Hearing remains set for 3/11/14 @ 9:00 AM. Signed by Honorable Sylvia H. Rambo on 03/03/14. (ma) (Entered: 03/03/2014)

03/11/2014 104 EXHIBIT LIST by USA as to Robert G. Bard (ma) (Entered: 03/11/2014)

03/31/2014 105 LETTER from Robert G. Bard filed requesting that new counsel be appointed. (pjr) (Entered: 04/01/2014)

04/02/2014 106 MOTION to Withdraw as Attorney by Dennis E. Boyle, Esquire and K. Edward Raleigh, Esquire. by Robert G. Bard. (Attachments: # 1 Proposed Order, # 2 Certificate of Concurrence)(Boyle, Dennis) (Entered: 04/02/2014)

- 04/03/2014 107 ORDER granting the Motion to Withdraw as Attorney 106 . Dennis E. Boyle, Megan E. Schanbacher and Kenneth E. Raleigh withdrawn from case as to Robert G. Bard. Dft is DIRECTED to submit an updated financial affidavit, complete in all respects, for purposes of determining whether he qualifies for a fpd to be appointed. IT IS FURTHER ORDERED that Counsel, as officers of the court, shall ensure Dft receives a copy of this order.. Signed by Honorable Sylvia H. Rambo on 04/03/14. (ma) (Entered: 04/03/2014)
- 04/10/2014 108 ORDER as to Robert G. Bard. Dft shall submit an updated financial affidavit, complete in all respects, no later than Friday, 4/18/14.. Signed by Honorable Sylvia H. Rambo on 04/10/14. (ma) (Entered: 04/10/2014)
- 04/14/2014 109 CJA 23 - FINANCIAL AFFIDAVIT filed by Robert G. Bard. (pjr) (Entered: 04/15/2014)
- 04/16/2014 110 ORDER APPOINTING FEDERAL PUBLIC DEFENDER Heidi Freese as to Robert G. Bard. Dft is advised, however, that he may be required to reimburse the court for the costs of this appointment if the court later determines he is able to afford counsel.. Signed by Honorable Sylvia H. Rambo on 04/16/14. (ma) (Entered: 04/16/2014)
- 05/22/2014 111 NOTICE OF HEARING as to Robert G. Bard. Sentencing set for 6/26/2014 @ 10:00 AM in Harrisburg - Courtroom 3 before Honorable Sylvia H. Rambo. (ma) (Entered: 05/22/2014)
- 06/02/2014 112 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Evidentiary Hearing Proceedings as to Robert G. Bard held on 3/11/2014 before Judge Rambo. Court Reporter Wendy Yinger, Telephone number 717-440-1535. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/23/2014. Redacted Transcript Deadline set for 7/3/2014. Release of Transcript Restriction set for 9/2/2014. (ctrep7) (Entered: 06/02/2014)
- 06/03/2014 113 MOTION for Extension of Time to File Supplemental Presentence Report Objections and to Continue Sentencing by Robert G. Bard. (Attachments: # 1 Certificate of Concurrence, # 2 Proposed Order)(Freese, Heidi) (Entered: 06/03/2014)
- 06/03/2014 114 ORDER granting dft's Motion for ExtTm 113 as to Robert G. Bard. Supplemental obj's to the PSR due by 7/2/14. Sentencing is rescheduled for 7/31/14 @ 10:00 AM.. Signed by Honorable Sylvia H. Rambo on 06/03/14. (ma) (Entered: 06/03/2014)
- 06/27/2014 115 ORDER as to Robert G. Bard. The ddl for filing dft's supplemental objs to the PSR is ext'd to 7/9/14.. Signed by Honorable Sylvia H. Rambo on 06/27/14. (ma) (Entered: 06/27/2014)
- 07/02/2014 116 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Proceedings - Day I of VII - as to Robert G. Bard held on 8/12/2013 before Judge Rambo. Court Reporter Wendy Yinger, Telephone number 717-440-1535. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/23/2014. Redacted Transcript Deadline set for 8/4/2014. Release of Transcript Restriction set for 9/30/2014. (ctrep7) (Entered: 07/02/2014)
- 07/02/2014 117 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Proceedings - Day II of VII - as to Robert G. Bard held on 8/13/2013 before Judge Rambo. Court Reporter Wendy Yinger, Telephone number 717-440-1535. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/23/2014. Redacted Transcript Deadline set for 8/4/2014. Release of Transcript Restriction set for 9/30/2014. (ctrep7) (Entered: 07/02/2014)
- 07/02/2014 118 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Proceedings - Day III of VII - as to Robert G. Bard held on 8/14/2013 before Judge Rambo. Court Reporter Wendy Yinger, Telephone number 717-440-1535. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/23/2014. Redacted Transcript Deadline set for

- 8/4/2014. Release of Transcript Restriction set for 9/30/2014. (ctrep7) (Entered: 07/02/2014)
- 07/02/2014 119 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Proceedings - Day IV of VII - as to Robert G. Bard held on 8/15/2013 before Judge Rambo. Court Reporter Wendy Yinger, Telephone number 717-440-1535. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/23/2014. Redacted Transcript Deadline set for 8/4/2014. Release of Transcript Restriction set for 9/30/2014. (ctrep7) (Entered: 07/02/2014)
- 07/02/2014 120 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Proceedings - Day V of VII - as to Robert G. Bard held on 8/19/2013 before Judge Rambo. Court Reporter Wendy Yinger, Telephone number 717-440-1535. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/23/2014. Redacted Transcript Deadline set for 8/4/2014. Release of Transcript Restriction set for 9/30/2014. (ctrep7) (Entered: 07/02/2014)
- 07/02/2014 121 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Proceedings - Day VI of VII - as to Robert G. Bard held on 8/20/2013 before Judge Rambo. Court Reporter Wendy Yinger, Telephone number 717-440-1535. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/23/2014. Redacted Transcript Deadline set for 8/4/2014. Release of Transcript Restriction set for 9/30/2014. (ctrep7) (Entered: 07/02/2014)
- 07/02/2014 122 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Proceedings - Day VI of VII - Charge Conference - as to Robert G. Bard held on 8/20/2013 before Judge Rambo. Court Reporter Wendy Yinger, Telephone number 717-440-1535. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/23/2014. Redacted Transcript Deadline set for 8/4/2014. Release of Transcript Restriction set for 9/30/2014. (ctrep7) (Entered: 07/02/2014)
- 07/02/2014 123 NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Jury Trial Proceedings - Day VII of VII - as to Robert G. Bard held on 8/21/2013 before Judge Rambo. Court Reporter Wendy Yinger, Telephone number 717-440-1535. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/23/2014. Redacted Transcript Deadline set for 8/4/2014. Release of Transcript Restriction set for 9/30/2014. (ctrep7) (Entered: 07/02/2014)
- 07/03/2014 124 OPINION re. loss amount as to Robert G. Bard. (ma) (Entered: 07/03/2014)
- 07/24/2014 128 SENTENCING MEMORANDUM by USA as to Robert G. Bard (Brandler, Bruce) (Entered: 07/24/2014)